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THE IRISH ECCLESIASTICAL RECORD

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“ Ut Christiani ita et Romani sitis.”

“ As you are children of Christ, so be you children of Rome.”

Ex Dictis S. Patricii, Book of Armagh, fol. 9.

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CONFESSION OF SIN *IN GENERE*.

IT may serve to avoid misapprehension if I state, at the very beginning of this paper, that it does not treat of general confessions, but of those in which the penitent says merely, "I have sinned," or, "I accuse myself of all the sins of my past life." Our ordinary manuals of theology discuss the question whether such confessions are valid and lawful; and though the usual answer is well known, and not difficult to act on, yet the practical nature of the case, and the principles involved, will, I hope, be sufficient apology for calling the attention of confessors to the subject.

I. And first, with regard to the validity. The received doctrine is laid down in Gury's Compendium. The confession will be valid, first, in case of necessity, and secondly, even without necessity, since the essence of the sacrament does not change for different circumstances. Let us consider these answers in order.

1. In case of necessity. All theologians now hold that in this case a confession of sin *in genere*, or any sign by which a penitent manifests to the priest a desire to receive the Sacrament of Penance, is confession sufficient for the validity of the Sacrament. This is the only doctrine consistent with the teaching of the Fathers and Councils, and with the Roman Ritual.¹ There was a time when it

¹ The words of the Ritual are: *Quod si inter confitendum vel etiam antequam incipiat confiteri vox et loquela ægro deficiat, nutibus et signis conetur, quoad fieri potest, peccata poenitentis cognoscere, quibus utcunque vel in genere vel in specie cognitis, vel etiam si confitendi desiderium sive per se, sive per alios ostenderit, absolvendus est.*—*De Sacram. Poenit. § ordo ministrandi*. For other proofs see Vasquez, *Quæst. xci., Art. ii., Dub. 1*; or any of the longer theologians.

was not so unanimously adopted. De Lugo quotes a good many of his predecessors for the opposite opinion;¹ and in all works written during the 17th century, we find the arguments of these theologians elaborately refuted.

These arguments are principally three. 1° In the first place they say that a confession of sin *in genere* is really no confession at all, inasmuch as it gives no information. What need has any confessor to be told that any one has sinned?

The reply is, that even though the confessor has known beforehand what the penitent confesses, yet such confession is sufficient for the Sacrament. Suppose the penitent has told a priest, outside the tribunal, the story of his life, who will say that such a priest cannot absolve such a man? And yet in that case sacramental confession will not manifest anything new. The fundamental answer is this: A sinner is required to confess his sins for two reasons. He has to make known the state of his soul to the priest, *if necessary*; and, even though it be not necessary, as in the present case, he has to accuse himself. Now a man can accuse himself to a judge who knows all about the crime. We do accuse ourselves to God; and it is a correct form of expression to say that the devils accuse men before God at the judgment seat, although He knows all about the sins of each one.

2° The second objection against our doctrine is sought to be drawn from the Council of Trent,² which derives the obligation of integral confession from the nature of the judicial process. But the absolution is always judicial; should not then the confession be always integral?

Again we retort: at least in the case of one who, without any fault, forgets a mortal sin, no theologian would hold that the absolution is invalid. Nay, suppose this case, given by St. Thomas.³ A man has committed a mortal sin, and cannot remember its species or circumstances. Though he has committed no other sins after Baptism, should he not be absolved? And yet, even then, the absolution is a judicial act.

¹ De Lugo Disp. xvii. n. 7, "Negant plures, Soto, Canus, Abulensis, Ledesma, Navarrus apud Vasquez; Conradus, Medina, Nugnus, Alvarez, Coquetius, Avila, Graffius, Pedraza, Angles, apud Dianam. Horum tamen aliqui concedunt, posse absolvi, si peccatum dixit in genere sub alterno, licet non specie infima, ut si confessus est fornicationem. Alii dicunt posse absolvi, si dixit se mortaliter peccasse."

² Sess. xiv. cap. v.

³ In 4, D. 21, Q. 2, art. 1, ad 1.

Once more the fundamental reason is this: The Council of Trent proves, from the judicial nature of the absolution, that an integral confession is necessary. But necessary for what? For the essence of the sacrament? No; for in the case given, the sacrament can be had without such integrity. For the fulfilment of a divine precept? But mere precepts cease to bind in case of necessity; and hence, in this case, should not be taken into account.

There is a third argument more specious than the others; indeed, De Lugo¹ calls it "the most powerful argument" of the adversaries. Take the case of a shipwreck. Those who are in danger make a sign that they would wish to get absolution, and a priest pronounces the form. Are the sins absolved directly or indirectly? If directly, they need not be confessed again, which no one would admit. If indirectly, there must be some one sin confessed *in specie* through which the indirect absolution is obtained. But that is the very thing you deny.

It is curious to remark how much subtlety De Lugo brings to bear on this difficulty. My readers, however, will have to consult him in person, as I can do no more than indicate the substance of his reply. He adopts substantially the solution of Suarez and Coninch, but explains it in a manner peculiar to himself. According to him there is remitted directly, in the case proposed, a certain indefinite degree of guilt, we do not know how much. That direct remission is the foundation of the indirect remission of the remainder. This solution is followed by a good many theologians, amongst them St. Alphonsus,² Giribaldi,³ Lacroix⁴ (as probable), Escobar,⁵ Michel, and many others.

Now it appears to me that the *præcisio objectiva* of a certain indefinite degree of guilt is more subtle than probable; hence I think the solution of Dicastillo⁶ a great deal nearer the truth. It is this. All the sins in the case proposed are directly remitted. Nor does it follow, therefore, that they need not be confessed again. Theologians, it is true, lay it down as a general rule that we are bound to tell in Confession only the mortal sins committed since Baptism and not yet directly remitted in Penance. But this general rule is nothing more than a convenient formula for expressing briefly the general teaching. It is only a

¹ L. c. n. 13. ² n. 480. ³ Tract. vii. cap. ix. Dub. iii. p. 21.

⁴ Lib. vi. pars ii. n. 620.

⁵ Lib. xv. n. 205.

⁶ Disp. vi. Dub. xvii.; and Disp. ix. Dub. ix.

general rule and will bear exceptions, one of which is found in the case before us.¹

I take it then to be the received opinion that in case of necessity a confession of sin *in genere* will suffice. Is it certain? And can a confessor in the case absolve unconditionally? This used to be a difficulty with the older theologians. De Lugo² seems at first sight to require a condition; but taking another passage into account, it is plain he would pronounce the form absolutely. He discusses a little further on³ the case of a dying man who has sent for the priest but can make no other sign, and teaches that absolution should be given without condition. *A fortiori* in the case before us. Dicastillo⁴ agrees with Vasquez in thinking such conditional absolution due to "indiscreet scrupulosity." We may safely take the opinion of St. Alphonsus, who says:⁵ "absolute est absolvendus (poenitens) . . . toties . . . quoties nova ipse præstat signa doloris."

2. So much for the case of necessity. When there is no necessity Father Gury holds that a general confession of sin is sufficient for the validity of the Sacrament; but he qualifies this opinion by two expressions, to which it may be well to call attention.

One of these expressions is contained in the words "*Si materia necessaria, seu in specie declaranda deficiat.*" No doubt, in discussing this question, the theologians have before their minds principally the case of one who has no necessary matter to confess. But it would be a mistake to suppose that the doctrine does not equally apply to all penitents. Of course, when a man has been guilty of a mortal sin which he has never confessed, and from confessing which he is not now legitimately excused, he will not ordinarily make a valid confession by stating in a general way merely that he has sinned. And why? Because he is bound, *sub gravi*, to confess that particular sin which he had committed; and if he deliberately neglects to do so, he can have no contrition. With regard to confession, however, such a general accusation is undoubtedly all that is required for *the essence* of the Sacrament; so that, if he be supposed to act *bona fide*, to my mind there can-

¹ See also Mayr, Tr. 12, Disp. 2, Quæst. 2, n. 540; and Collet de Poen.^o cap. 5, n. 442. For another solution see Ariaga, Disp. 36, n. 6; Monschein, Tr. 8, n. 421; Bosco, Disp. 7, sect. 9, n. 103.

² L. c. n. 20.

³ Disp. 17, n. 90.

⁴ l. c. n. 756.

⁵ n. 480.

not be the slightest doubt as to the validity of the absolution. Else we should have to say, that, though in the case of forgetfulness or necessity, we have all the confession that is required for the essence of the Sacrament, yet, for the same essence, something more is required in the case proposed. I, however, am not inclined to admit that the essence of the Sacrament changes from case to case. This doctrine is well explained by Laymann,¹ who quotes also Suarez, Paludanus, and Coninch.

The other expression to which I refer is the phrase "saltem multo probabilius." Now what is the effect of saying that the opinion is "much more probable?" For on this point the resolution of the whole question depends. Is the doctrine so certain that in ordinary circumstances a confessor would be justified in acting on it?

For the sake of greater clearness let us distinguish two cases: (a) mortal sins already confessed, and (b) venial sins.

(a) When a penitent confesses a sin of his past life, is it sufficient for the validity of the Sacrament to say: "I have sinned," or, "I accuse myself of all the sins of my life?"

For my part, I cannot see why it should not be, *per se*, sufficient; and this brings us to a somewhat lengthier explanation of what I have said concerning the essence of the Sacrament. What does the essence of the Sacrament of Penance require? A confession of sin *in genere*. Why then should anything additional be wanted in the present case? Is it because of a precept? But a precept will not *directly* affect the validity. It may *indirectly* render the Sacrament invalid, inasmuch as, if the penitent deliberately violates a grave precept, he cannot have sufficient sorrow. But at present we are considering what is required *per se* for a valid confession.

The authors of the *Vindiciæ Alphonsianæ* touch on this question, referring us for a fuller treatment to an article in

¹ Lib. 5, Tr. 6, cap. 8, n. 2; "Specifica et numerica explicatio omnium peccatorum per se et directe non pertinet ad essentiam Sacramenti. . . . Sed potius spectat ad necessitatem præcepti divini; cujus tamen voluntaria transgressio indirecte redundat in defectum Sacramenti (that is, as he explains, for want of sorrow). St. Alphonsus (n. 504) is of the same opinion. He puts himself the case of "rustics and children, who confess *bona fide*, but omit to explain the number and species of their sins," and decides that, for them, such confession is sufficiently valid. He quotes in favour of this teaching, De Lugo, Salmanticenses, Concina, Soto, Adrianus, Bonacina, Gabriel, Dicastillo, Praepositus, Hurtado, Filliucius, Villalabos, &c. It is in this sense also the Thomists explain their opinion on the matter of the Sacrament of Penance.

² Ed. Bruxellis, 1874, vol. ii. p. 92.

the "Nouvelle Revue Théologique."¹ The writer of the article referred to holds that confession of sin *in specie* is necessary *per se* even for the validity. He does not advance any proof, but merely promises to do so in the second section of his paper—a section which has never since appeared. He does give some reasons against the lawfulness of so confessing; and, as far as those reasons touch the validity, they may be reduced to three.

The first argument is derived from the nature of the Sacrament. I have already shown how little weight is to be attached to this. For let us ask: does the Sacrament require this specific confession as essential? That would involve a change in the essence of the Sacrament, and is expressly rejected by almost all the theologians whom the writer quotes in favour of his opinion.² Is the specific confession required only as more becoming? In that case you rely on a divine precept,—and this is outside the question under consideration.

The second argument is derived from the proposition which Innocent XI. condemned for asserting that it is lawful to follow a probable opinion in the administration of the Sacraments. But surely the reply is manifest. It is denied that there can be any question of the validity of the Sacrament; and we all know that in such cases the condemned proposition does not apply.

There is a third reason, drawn from the practice of the faithful and the danger of exposing the Sacrament to irreverence, owing to the carelessness of confessors. But could not the practice of the faithful be explained very well by supposing a precept binding them to confess some sin *in specie*? And would not the same precept be amply sufficient to guard the integrity of confession in future?

It was not difficult for Father Ballerini to solve the foregoing objections; but we should not therefore conclude that he has proved his own point. What if it were said that,

¹ 1869; vol. i. p. 67, &c.

² The validity of the Sacrament is admitted by Suarez, Disp. xxiii. S. i. n. 10; Laymann, Tr. vi. cap. viii. nn. 7, 8; Gobat, Tr. vi. nn. 359-61; Bosco, Disp. 7, sect. 9, concl. 5, n. 114; Augustus Michel, Tr. 4, Pars. 2, S. i. nn. 6 & 9; Mazotta, Tr. 6, D. i. Q. 4, C. 2; Lacroix, n. 623. Vasquez teaches the validity, if anything. The only others quoted in the paper are Louis de Caspe, Gervasius, and Reuter, whom I have not been able to consult.

It is not necessary to add that the validity is admitted by all who teach that nothing more than a generic confession is required even for the lawful administration of the Sacrament.

except in case of necessity, there is a divine precept commanding us to mention some sin *in specie*. You may ask: how can this be shown? From the tradition of the Church as manifested in the writings of theologians. I mention this lest any one should take me to defend everything in Father Ballerini's note. I shall discuss in its own place whether there is such a precept or otherwise.

(b) Let us take the second case. When a penitent has only venial sins to confess, is it sufficient for the validity of the Sacrament if he says merely: "I have sinned?"

Here again it is not easy to see why it should not be sufficient. It is not necessary to go through the same argument: the essence of the Sacrament does not change, and a precept does not directly affect the validity.

Yet it is curious to notice the hesitation of theologians in treating this question. And here it may be well to remark that one should not take for granted all that Father Ballerini has in his note. De Lugo, in the passage referred to,¹ does not really extend to venial sins the doctrine he had laid down with regard to the case of necessity. He had been answering that objection about the direct or indirect absolution.² He had shown that a certain degree of guilt could be remitted directly, when mortal sins are confessed *in genere*. In n. 17 he teaches that, in the same way, when venial sins are confessed *in genere*, a like degree of guilt may be directly absolved. But he does not teach that such general confession of venial sins is sufficient for the validity of the Sacrament; nor does he, on this point, "extend his doctrine to the case of venial sins." With regard to Suarez it is admitted that he is unwilling to allow his doctrine to be followed in practice; but even Dicastillo does not appear to be at all so certain as is represented in the Roman Editor's note on Gury. This will appear in due time.³

What, then, do theologians teach? Let us take Suarez first, as it is from him that most of the others draw the more strict opinion. Father Ballerini gives us quite correctly the doctrine of the great Jesuit theologian. "Fortasse speculative tantum loquendo posset hoc defendi [*i.e.* that confession of venial sins *in genere* is sufficient] . . . Nihilominus tamen practice negandum hoc est, propter incertitudinem materiæ."⁴ And then Suarez goes on to state that, when there is no necessity, a specific confession is required, though in case of necessity a generic confession

¹ L. c. n. 17.

² *Supra*, p. 393.

³ *Infra*, p. 393.

⁴ *Disp. xxiii. Sect. i. n. 10.*

would be sufficient. I am not now called upon to explain how this could be; I only note the hesitation of this great theologian.

It is not necessary to refer again to De Lugo. Were it not, indeed, for that distinction made by Suarez, it would not be difficult to admit that in De Lugo's opinion generic confession is sufficient. But, taking into account that Suarez' distinction must have been before the other's mind, it is not at all certain that De Lugo's expressions¹ are to be understood of one who confesses without necessity.

It does not appear that Vasquez has anywhere treated this question. In one place² he does say that a confessor can absolve in case of necessity when there is only a generic confession, "*sicut etiam sacerdos absolvere potest aliquem qui tantum confessus esset peccatum in genere, ut verba otiosa, mendacia, etc., et nullum in particulare.*" This, however, is not decisive, for idle words and lies are not venial sins *in genere*, as Bonacina³ very well remarks.

Diana,⁴ though not usually given to more rigid opinions, agrees with Suarez, and quotes almost his very words. Bonacina adopts the same view. Though he appears to admit speculatively the sufficiency of a general confession of venial sins, yet for practice he says: "*Licet non tenemur confiteri peccata venialia, tamen ex suppositione quod velimus confiteri, tenemur materiam omnino certam exhibere.*"⁵ The same opinion is held by Bosco,⁶ Aversa,⁷ Herincx,⁸ Giribaldi,⁹ Amort,¹⁰ Laymann, and many others;

¹ L. c. n. 17.

² Quaest. xci., Art. ii. Dub. i. n. 37.

³ Disp. v. Quaest. v. Sect. ii. P. ii. § iii. Dif. ii. n. 15.

⁴ Tr. vii. R. 4, n. 3.—Curiously enough in another place (Tr. 4, Res. 18), Diana holds the other opinion as sufficiently probable.

⁵ L. c.

⁶ De Poen. Disp. 7, Sect. 9, n. 114, &c.

⁷ Q. 10, Sect. 16, § Quarto.

⁸ Pars iv. Tr. 4, Disp. 3, n. 67.

⁹ Tract. vii. Cap. vii. Dub. iv.

¹⁰ Tr. xiii. § x. Q. i. R. 3.

The teaching of Herincx is remarkable: "*Diversi censent id [confessionem venialium in genere] non licere, etsi ego non videam ullum solidum fundamentum.*"

Amort would find it difficult to reconcile his doctrine with what he tells us a little further on: "*In antiqua Ecclesia, antequam introducta fuerat forma absolutionis absoluta, probabiliter confessio generalis erat Sacramentalis in iis qui habebant peccata venialia.*" If that is true the specific confession must be only of ecclesiastical origin, or the ancient church must have dispensed in a divine precept.

St. Thomas (in 4 Dist. q. 2, a. 1, ad. 1), is quoted by both parties, but proves nothing for either. The Master of Sentences (4 sent. Dist. 21, n. 5) appears to favour the more liberal opinion: "*Venialia vero . . . sufficit generaliter confiteri.*" May he not, however, be understood of confessions in which mortal sins are mentioned?

indeed it may be said to be at least the more common teaching.

Let us turn to Dicastillo who is the leader on the other side. Father Ballerini quotes him quite accurately as against Suarez ; for Dicastillo certainly tells us that, if the liberal doctrine be speculatively certain, it cannot be practically unsafe. He therefore teaches that, *for ordinary circumstances and when there is no necessity*, a confession of venial sin *in genere* is all that is required. But what about cases where, indeed, there is no necessity, but where it is all-important that one should have made a valid confession, as at the time of death ? In such cases he would wish a penitent to confess some sin *in specie*. So I interpret the following passage, which Father Ballerini does not quote :

“ Mihi tamen illud prius satis probabile apparet, nempe sufficere confessionem illam in genere, etiamsi possit veniale in particulari confiteri ; quia ea ipso quod *probabile sit eam esse materiam sufficientem*, et ex alio capite non esse necessariam materiam, non video cur non possit licite eam adhiberi tantum. *In sacramentis enim quae nullo modo sunt de necessitate salutis*, quale est de solis venialibus in tali casu, non videtur ita necessarium adhiberi materiam omnino certam ut obligetur quis sub culpa maxime mortali. Nam ad hoc, ut quis prudenter operetur, *satis est quod adhibeat materiam probabilem. Hæc autem est valde probabilis.*”¹

That may be all very true ; but when, as in the case of a dying man, a valid sacrament is of the greatest importance, I for one should not like to depend merely on a probably valid confession, especially since its validity could so easily be made certain. Hence it appears to me that, putting all things together, Dicastillo will not authorise one to teach that the confession of venial sin *in genere* is certainly valid.

St. Alphonsus² does not say exactly whether the confession in the case proposed is certainly either valid or invalid ; he merely advises the confessor to get the penitent to confess some sin *in specie*. Tamburini³ cites Dicastillo with approval. Father Ballerini is more advanced than either.

There is only one other, Lacroix, whom I shall examine ; and I do so because he lays down his views more explicitly than, perhaps, any other. He tells us in n. 623, that, even when there is no necessity, a confession of venial sin *in*

¹ N. 761.

² Homo Ap. Tr. ult. 9 ; cf. Prax. n. 71, in fine.

³ Meth. Conf., cap. x., n. 17.

genere will suffice for the validity of the Sacrament, and that such is the more common opinion of theologians. And yet in n. 622 he had said that such a confession is not lawful; giving as his reason that it is against the practice of the Church, and because something more is required by the judicial nature of the absolution. Now, since the general confession is sufficient for the validity, it can become unlawful only by reason of a positive precept. What is the evidence for the existence of such a precept? We shall see a little further on.

I have written at such length that, perhaps, my readers will require to be reminded of what the question is. It is this: When there is no necessity, is the confession of sin *in genere* sufficient for the validity of the Sacrament? It will be seen that theologians are not so explicit when they treat of the confession of mortal sins already remitted, as when treating of the confession of venial sins. But from what has been said this observation naturally arises; if they hesitate so much in allowing us to confess venial sins *in genere*, why should they not equally hesitate in allowing us to confess in the same general way mortal sins already remitted? Hence I consider that the two cases should be treated alike. Now there are two ways of explaining this hesitation. One is, that explicit confession is required *directly* by a precept, and only *indirectly* affects the validity of the Sacrament. The other is, that it is required for the validity of the Sacrament *directly*. Whatever may be said of the first explanation, I think it will be manifest that the second cannot stand; there is no theologian who defends it. Accordingly I answer the question proposed by saying that confession of sin *in genere* is, in the case, and not taking contrition into account, quite sufficient for the validity of the Sacrament.

Here a person will naturally ask, how I can represent an opinion as certain which Suarez and the great body of theologians who follow him think only more probable? For why do those writers refuse to allow this doctrine to be followed in practice? "Propter incertitudinem materiæ."

The answer will appear from what has been stated in the beginning of this article. It will be remembered¹ that Soto and a number of the older theologians taught that, even in case of necessity, a confession of sin *in genere* would not suffice for the validity of the Sacrament. At present no one thinks their opinion probable; but it

¹ Cf. *supra*, p. 386.

was not so in the time of Suarez. If, in case of necessity, there was a doubt about the validity of such a confession, it is no wonder that there was equal doubt when there was no necessity at all. But since all now hold that there can be no question of the validity in case of necessity, the ground is cut from under the difficulty; and I am quite convinced that, if Suarez were to come back again, we should hear no more from him of the "*incertitudo materiæ*."

II.—But what about the lawfulness of so confessing? In other words, can a confessor absolve a penitent, who, in ordinary circumstances, and without being in any necessity, confesses his sins only *in genere*? I am not now dealing with counsels; for every one admits that *it is well* to mention some sin *in specie*. But is there an obligation to do so?

The question turns in what I have already explained. If there is a divine precept binding us so to confess—why then we are bound. If there is no such precept, we are free. Is there such a precept?

The evidence is already before us, and each one can judge for himself. In my opinion the Council of Trent does not deal with the question at all. Neither can we argue from the practice of the faithful, for that could easily have risen from the counsel given by all writers. The only other proof is the teaching of theologians; and I must admit, that to my mind the opinion in favour of the obligation is not shown to be at all so common as it is sometimes represented.

I am not called upon to discuss the authority of theologians in a question of this kind. If any one wishes to examine the question, let him read the 17th Thesis of Cardinal Franzelin's admirable book on Tradition. It is fully admitted on all sides that, when theologians are fairly agreed about the truth of any doctrine, such agreement is not to be thought of little account.

Well, there is a certain doctrine with regard to which theologians are pretty unanimous. They teach that, when a man is dying in a strange land, and, from ignorance of the language of the country, cannot make himself understood, if he is not certain of having contrition, he is bound to confess through an interpreter at least some one sin *in specie*.¹

¹ See, for example, Suarez, Disp. 36, S. 6, n. 5; Vasquez, Q. 91. a. 4, d. 3, n. 5, &c.; Diana, Tr. 3, Res. 80, n. 5; S. Alph., n. 479.

From this it is argued that the great body of theologians maintain the existence of a divine precept binding us, if we confess at all, to mention some special sin when it is possible to do so. No doubt such a precept would sufficiently explain how the same writers who admit the validity of a generic confession in the case, can deny its lawfulness.

But Father Ballerini¹ is ready with another explanation. He thinks that, as the dying man is not sure of his contrition, he is bound to go to confession. Father Ballerini admits further that, according to the common teaching of the older theologians, the penitent cannot be absolved unless he is willing to confess some sin *in specie* through an interpreter. But why? Because the older theologians, whilst admitting the validity of a generic confession, had not made up their minds as to the certainty of that opinion. They thought it probable that, after all, such confession might not be sufficient; and hence, in the case proposed, the penitent would be bound to supply certainly valid matter for absolution.

Well, the validity of generic confession is now certain: it would be recognised as such by those old theologians, could they come back again. Are we not justified, therefore, in assuming that, as the premises are changed, the conclusion also should be different? and that, if Suarez or Laymann held with us the certain validity of generic confession, they never would have imposed an obligation of mentioning a sin *in specie*?

Let us extend this a little. Take an ordinary confession in which the penitent has no mortal sin to confess. Theologians, headed by Suarez, more commonly admit an obligation of telling some venial sin *in specie*. Dicastillo and others hold the contrary, as we have seen, but against the more common opinion. What is the reasoning of Suarez? It is this: speculatively, the generic confession is sufficiently valid; but practically the penitent is bound to confess *in specie*, "propter incertitudinem materiæ." Surely, if Suarez thought a generic confession certainly valid, he would have come to the very contradictory conclusion.

Let me not be misunderstood. I do not mean to decide that this explanation of Father Ballerini's is correct; but, until you show that it is untenable, you will not be justified

¹ Note on Gury, n. 504, Q. 9.

in asserting that, according to the common teaching of theologians, penitents are bound to confess some venial sin *in specie*.

What, then, should a confessor do? I think it will be useful to distinguish different cases.

1. If the penitent can be easily got to mention some sin *in specie generica*, I should certainly ask him to do so. This much at least is due to the opinion formerly the more common.

2. But if, because of the ignorance or stupidity of the penitent, he cannot be easily got to mention some such sin, I should not hesitate to absolve him absolutely in the ordinary cases, and provided he were otherwise disposed.¹

3. If, however, the penitent were in danger of death, I should be more careful to get him to mention some sin *in specie*, lest by any chance specific confession should be required for the validity of the Sacrament. I should absolve him, nevertheless, absolutely, if there were no hope of getting more than a generic confession.

4. With regard to children, this practical observation may be useful. Children often mention in confession what is not sinful at all. Again, when they do tell what is in itself sinful, it often happens that is not so in them, from want of advertence. And yet we know that they have committed some venial sins in their past life. Would it not be well, then, to get them to confess in a general way all the sins of their life? Thus the confessor may be sure that the Sacrament will not be invalid, at least from want of confession.

One other remark and I have done. It often happens that penitents, in confessing sins already remitted, make use of some such expression as the following: I accuse myself of sins against charity in my past life. Now it appears to me that such a confession is not without its danger. If indeed the penitent means to accuse himself of *all* the sins he ever committed against charity, there is no difficulty. But if, as often happens, the penitent has no definite sins before his mind, whilst, on the other hand, he does not intend to confess *all*, the danger is manifest.

For, many theologians hold that such a confession is not sufficiently determinate. If a priest were to pronounce the words of consecration over eleven Hosts, intending to consecrate only ten of the number, the Rubrics

¹ See St. Alph., n. 504.

of the Missal¹ tell that there would be no consecration. In the same way, according to these authors, if a confessor pronounces the words of absolution over sins the number of which is not determined, there will be no absolution. Dicastillo argues at great length in favour of this opinion.² On the other hand, many writers hold that it is not necessary to determine the number of sins. There is no argument from the Rubrics; for the word "this" in the form of the Eucharist manifestly requires a determination, whilst no such word is found in the form of Penance. Again, they say, if one owes a hundred pounds and pays ten, not determining which, who would say that there is no payment? But absolution is only the cancelling of debt. In the same way, if a person, for ten crimes of the same kind, had incurred ten excommunications, and had got absolution from two, not determining which, no one would say that he should get absolution anew from the whole ten. This is the view of Lacroix³ and De Lugo,⁴ with many others.

We need not expect to decide the question; but we should take care that penitents do not come to the ground between the two stools. It may not be thought necessary or advisable to call attention to the matter when explaining the Sacrament of Penance to the people. In the confessional we should adopt the safer opinion.

W. MACDONALD.

THE NUMBERING OF THE HOURS IN ST. JOHN'S GOSPEL.—II.

THE second passage in this Gospel in which an hour of the day is designated by its number occurs in the beginning of the 4th chapter, where we read that it was about "the sixth hour," when our Lord sat by Jacob's well, outside the Samaritan city of Sichar.

Was this the "sixth hour" according to the Jewish computation, in other words, the hour of noon? Or was it the "sixth hour," counted, as in our modern computation, from midnight or from midday, that is to say, 6 o'clock, whether morning or evening?

¹ De Defect. tit. vii., n. 1.

² De Poenit. Disp. vi., Dub. xvii.

³ N. 621.

⁴ Disp. xiv., n. 142.

Dr. Townson and those who with him adopt the view suggested in the latter question, appeal with confidence to the evidence furnished by Eastern usage. From the earliest times down to our own day, the women, not only in Judea, but generally throughout the East, have been accustomed to go out from the towns and villages, to draw water from the neighbouring wells, not at midday, but in the morning and in the evening. Hence, says Dr. Townson, in examining St. John's statement that it was the "sixth hour" when our Lord sat by the well and spoke with the woman who had come from the city to draw water, "it is not very probable that midday was the hour intended. Among the Eastern nations, exact observers of ancient usages, the women had stated times of going to draw water from the wells. This they did, not in the heat of the day, but in the cool of the morning or the evening."

Apart from the evidence to be derived from the usage itself, maintained, as it has been, with unvaried uniformity down to the present day, much light is thrown upon the question by the references to this usage in more than one passage of Scripture.

Thus, for instance, that the morning was one of the times at which the women went out to draw water, is inferred from an incident in the narrative of Saul's search for his father's asses. With the servant who accompanied him, he came to Ramatha, the city of Samuel, and determined to consult the seer, "and when they went up the ascent to the city, *they found maids coming out to draw water.*"¹ And the hour of the incident thus mentioned seems to be fixed by the following verses,² from which it appears that it was then very early in the morning, while preparations were being made for a sacrifice, apparently a morning sacrifice, which Samuel was about to offer.

That the evening also was a time at which the women thus came to draw water, is evident from the 24th Chapter of Genesis. We there read, in the narrative of the journey of Eliezer into Mesopotamia, to bring back a wife for Isaac, the son of Abraham, his master, that Eliezer "went on to Mesopotamia, to the city of Nachor; and when he had made the camels lie down without the town, near a well of water, *in the evening*, at the time *when women are wont to come out to draw water* . . . he said, O Lord, the God

¹ 1 Kings, ix. 11.

² Ibid. vv. 12-14.

of my master, Abraham . . Behold, I stand nigh the spring of water, *and the daughters of the inhabitants of this city will come out to draw water,*" &c., &c.¹

Thus, then, it is inferred that the "sixth hour," mentioned by St. John, cannot have been the hour of midday, the "sixth hour" of the Jews, and must therefore have been the sixth hour in the modern sense of the term, that is to say, six o'clock, morning or evening.²

Plausible as this reasoning is, it is manifestly far from conclusive. The very usage referred to is relied upon, and apparently with reason, by the advocates of the opposite view. If, they ask, the hour indicated by the Evangelist was any such hour as six o'clock, morning or evening, when according to Eastern usage the women of the city would have come out to draw water from the well, could it have happened that but one woman should have come, and that the long conference with her, and the subsequent incidents, narrated by St. John, could have taken place, as they manifestly did, without interruption? And, on the other hand, it should not seem strange that this woman should have come there at an unusual hour. For, as they add, from the few incidents of her personal history revealed by the Gospel narrative of our Lord's discourse, it may without difficulty be inferred that reasons were not wanting why "the woman of Samaria" who came to the well on this occasion should have chosen for doing so a time when the place would be comparatively deserted.

Again we may usefully refer to the narrative of Canon Farrar. "Starting early in the morning, to enjoy as many as possible of the cool hours for travelling, He stopped at length for rest and refreshment in the neighbourhood of Sychar. . . . It was the hour of noon, and weary as He was with the long journey, and possibly also with the extreme heat, our Lord sat 'thus' on the well . . . His disciples . . had left Him, to buy in the neighbouring city

¹ Genesis, xxiv., 10-13.

² Greswell, who adopts Dr. Townson's opinion as to St. John's method of designating the hours, considers that it was the evening, rather than the morning, "sixth hour," when our Lord arrived at the well. Some other commentators, however, by whom this view, as to the computation of hours, is adopted, prefer to suppose that six o'clock in the morning is the hour here indicated. The fact that St. John's expression is, in this view of his method of designating the hours, thus necessarily ambiguous, is a point not to be lost sight of in the consideration of the general question as to his method of numbering the hours.

what was necessary for their wants. . . . His solitude was broken by the approach of a woman. In a May noon in Palestine it is probable that the heat may be indeed intense,¹ but it is not too intense to admit of moving about; and this woman, either from accident, or, possibly, because she was in no good repute, *and therefore would avoid the hour when the well would be thronged by all the women of the city, was coming to draw water.*"

¹ As to the part of the year in which this incident occurred, two views prevail among commentators. Some place it in or about December; others, in or about May.

The advocates of both opinions are substantially agreed that a note of time is to be found in those words of our Lord's discourse to His disciples on this occasion, after their return from the city:—"Do you not say: There are yet four months, and then the harvest cometh? Behold, I say to you, lift up your eyes, and see the countries; for they are white already to harvest." (St. John iv. 35.)

Two widely differing interpretations of this passage have, however, been put forward. According to one of these, the words "there are yet four months, and then the harvest cometh," are to be understood as containing the note of time, and consequently as indicating the month of December, four months before the barley harvest in April, as the time of this incident. In this view, the subsequent statement as to the fields being "white to harvest," must of course be understood merely in a metaphorical sense, referring to the spiritual harvest which it was to be the mission of the Apostles and disciples to gather in.

In the other view, the statement as to the fields being then "white to harvest," is to be regarded as fixing the time of this incident. If this interpretation be followed, it is clear, from other considerations, that the harvest referred to must have been the wheat harvest, which in Palestine is a few weeks later than the barley harvest, so that the reference should then be understood as indicating the month of May. In this view, the previous words, as to the "four months" before the harvest, must obviously be understood, not as a statement of fact, but in some other sense.

A most interesting exposition of the question thus raised will be found in the volume of F. Coleridge's *Life of our Life*, on the Ministry of St. John Baptist. F. Coleridge adopts the latter of the two views just stated. In common with the great majority of the commentators by whom the passage is so understood, he regards the words as to the "four months" as a proverbial expression. "Our Lord does not say, There are yet four months, . . . but, *Do not you say*, or . . . have you not a saying, There are four months, and then harvest cometh." Four months was the common interval between seed time and harvest in the Holy Land. "The fields white unto harvest before their eyes suggested an immediate reaping, in which sower and reaper would be one. But it was not to be so. The harvest was yet, as the proverb said, four months off. And when it came He was to be gone, and they were to be in His place, inheriting His labours and reaping the fruit of His Passion, without which there could be no harvest of souls." *The Ministry of St. John Baptist*. Note 7 (Second Edition, pp. 328-340).

The third and last remaining passage is that in which St. John (iv. 49-53) narrates the miraculous cure of the ruler's son.

"The ruler saith to him : Lord, come down before that my son die.

"Jesus saith to him : Go thy way, thy son liveth.

"The man believed the word which Jesus said to him, and went his way. And as he was going down, his servants met him : and they brought word, saying, that his son lived.

"He asked therefore of them the hour in which he grew better. And they said to him : Yesterday, at the seventh hour, the fever left him. The father therefore knew, that it was at the same hour that Jesus said to him, Thy son liveth."

What hour, then, is it that is thus designated by the Evangelist? Is it the seventh hour according to the Jewish mode of computation, that is to say, the first hour after noon? Or is it the seventh hour according to the modern, and so-called "Roman," computation, that is to say, seven o'clock morning or evening?

Dr. Townson's statement in support of his view is as follows. The "seventh hour" thus designated by the Evangelist cannot have been so early as one o'clock, P.M., and must therefore have been the "seventh" hour in the modern mode of computation, and consequently seven o'clock in the evening. For, as he proceeds to explain, the distance of Cana, where our Lord then was, from Caphernaum, where the ruler's son lay at the point of death, was not more than about twenty-five miles—five or six hours' journey,—perhaps even less. If, then, the hour at which the anxious father was assured by our Lord of the miraculous cure of his son, was so early in the day as one o'clock, P.M., it is difficult to suppose that paternal affection, animated by the hope of finding his son restored to health, should not have prompted him immediately to set out for home. And if age or infirmities had rendered him unable thus to undertake the short journey during the remaining hours of that day, surely his family, when they saw the miracle that had been wrought, would, instead of waiting until next day, immediately have sent off a messenger who with good speed might have brought the news to Cana that night. But neither was done. It was not, then, until the next day that the welcome intelligence reached the anxious father. Then, on his way to Caphernaum, his servants met him,

bringing him the news that his son was restored to health, and that "*yesterday*, at the seventh hour, the fever left him." What other inference, Dr. Townson asks, can we draw from this narrative, but that "the seventh hour," at which, as the father was thus assured, the miracle had been wrought, was not "the seventh hour" in the sense of the Jewish computation, and was consequently the seventh hour in the modern sense, and thus seven o'clock in the evening?

The reasoning thus set forth may no doubt be regarded as presenting a somewhat formidable difficulty in the way of those who consider that St. John's mode of designating the hours is the "Jewish" mode, followed by the other Evangelists. But the difficulty is far from being an insuperable one. "This argument," says the late Bishop of Kerry, referring, in his Note on this passage,¹ to the line of reasoning just now set forth, "has, we think, very little force; because the Ruler, believing the word of our Lord, may not have been uneasy, and because the difficulties of such a journey are unknown to us. From this passage, therefore, no decisive argument can be adduced to show how St. John computed time."

Before examining in detail the view thus suggested, it may be useful to notice another view of the case, plainly not devoid of probability, which has been put forward by some recent writers. How, they ask, does it appear from the Gospel narrative that the ruler did not return home immediately after his interview with our Lord? Let us suppose that the interview took place, and that the miracle was wrought, at the "seventh hour" in the Jewish sense, that is to say, at the seventh hour from sunrise, or, as we should call it, "one o'clock." What difficulty is here involved? *After sunset the same evening* the Jews would have commenced *a new day*; and thus the "seventh hour" at which the miracle had taken place would be to them as one o'clock *the day before*, or "the seventh hour, *yesterday*." In this view of the case the difficulty disappears even though an interval of only five or six hours intervened between the words spoken by our Lord and their confirmation by the servants.²

¹ *The Epistles and Gospels of the Sundays throughout the Year, with Notes, critical and explanatory.* Notes on St. John iv. 46-53. (20th Sunday after Pentecost).

² This view is well set forth in the *New Testament Commentary for English Readers* (*in loc.*), edited by Dr. Ellicott, the (Protestant) Bishop of Gloucester and Bristol.

As against this view it is, however, to be borne in mind that, although the Jewish *festival* days were, for religious and ceremonial purposes, regarded as beginning at sunset, it is probable enough that the ordinary *civil* day of the Jews, as in our modern mode of computation, began not at sunset but at midnight.¹ It is by no means clear, therefore, that we should be justified in relying on Jewish usage as warranting the inference that when the servants spoke of "the seventh hour *yesterday*," they were speaking, after sunset, on the day of the miracle, and referring to an earlier hour, in the afternoon, of that same day.

Passing over, then, this view of the case, and assuming, as we are asked to do, that the father was not met by his servants on his homeward journey until *the next day*, in the ordinary modern sense of the expression, we shall still find, in the direction indicated by Dr. McCarthy's Note, abundant reason for hesitating to regard St. John's narrative as furnishing any evidence that his method of designating the hours differed from that of the other Evangelists.

As regards the difficulties of the journey, and consequently the estimate to be formed of the likelihood of its being undertaken in the afternoon, it is of importance to bear in mind that neither the site of Caphernaum nor that of Cana can now be determined with anything approaching to certainty. In the case of Caphernaum,² indeed, this uncertainty cannot very notably affect the general result. But as regards Cana, the case is widely different. The two sites in question, now occupied by the Arab villages, Khurbet Kāna, and Kefr Kenna,³ though not very far apart,

¹ See Dr. Molloy's paper, already referred to. (IRISH ECCLESIASTICAL RECORD, vol. 9, p. 452, June 1873.)

² It is indeed true, as observed by Canon Farrar, that the arguments about the site of Caphernaum "would fill several volumes." Each of the three localities finds supporters. But all three are situated on the northern or north-western shore of the Lake of Galilee, within a very short distance of each other. And as regards the two between which, as is now generally recognised, the choice is really to be made, the time needed for passing from one to the other is not more than three-quarters of an hour. These are the localities now designated *Khan Minjeh*, and *Tell Hum*. The former is situated at the north-west angle of the Lake; the latter, somewhat more to the north.

³ Khurbet Kāna lies about 9 miles to the north, Kefr Kenna, about 4 miles to the north-east of Nazareth. On some maps the former, on others, the latter, is marked, without any indication of uncertainty, as the site of Cana.

Khurbet Kāna is spoken of by some modern travellers as Kana

as regards mere local distance, are very differently circumstanced as regards facilities of access. And to how large an extent the conclusiveness of Dr. Townson's reasoning, above set forth, must consequently be affected by the existing uncertainty as to the true site of Cana, is evident from the following description, given by a recent traveller. The author of *The Land and the Book* thus describes the difficulties experienced by him in passing from one of those villages to the other. "As we cannot now turn aside to visit the Kâna [Khurbet Kâna] on the other side of the Buttauf [the plain of Zabulon, lying north and north-east of Nazareth], I will give you an account of my ride thither on a former occasion. We obtained our guide from this village [Kefr Kenna], and, as they are hunters, and familiar with every acre of this region, they are the best that can be procured. . . . We followed the stream which drains off the water into the Buttauf It was on that day a boisterous brook, in consequence of the heavy rain The day we crossed the Buttauf, *the eastern half of it was a lake*, and the path . . . led through the oozy spongy end of it. *It was the most nervous ride I ever made.* For two miles the horses waded through mud and water *to the knees*, along a path *less than two feet wide*, which had been tramped down to a consistency sufficient to arrest the sinking foot for a moment; but if the careless or jaded nag stepped elsewhere, he sank instantly into a quivering quagmire. *After several adventures of this sort*, we 'came to land' just at the foot of Kâna."¹ Plainly, if the difficulties to be encountered by the "Ruler" of Caphernaum on his homeward journey were in any degree similar to those thus described, it is by no means unnatural to suppose that he may have deferred his return until next morning. And that he should have done so must seem all the more probable if we suppose, as we are surely justified in doing, that he had come from Caphernaum to Cana, or at least had made the last portion of the journey thither—perhaps over the very path described by Dr. Thompson—in the hours immediately

el-Jalil. The existence of such a name would no doubt strengthen the case for identifying this with "Cana of Galilee." It is, however, altogether denied by others that any trace is to be found of such a designation. And some of those who regard Kefr Kenna as marking the site of Cana assert, on the other hand, that the name Kenna el-Jalil is sometimes given to it.

¹ *The Land and the Book.* By W. M. Thompson, D.D.

preceding his interview with our Lord. In reference to the point, relied on by Dr. Townson, that, if the return of the ruler were thus delayed, his servants would have been sent on to Cana immediately after the occurrence of the miracle, and would thus have reached Cana on the same night, it may fairly be asked what reason is there to suppose that the precise object of the ruler's journey, or his destination when leaving home, was known by his family in time to allow of this course being taken? May he not, from fear of ridicule in the event of failure in his mission, or for some other reason of which we have no indication, have kept secret both his destination and the purpose of his journey? When absent from Caphernaum, in the direction of Cana, may it not have been his practice, a practice rendered necessary by the condition of the roads or paths, to return home about a certain hour of the day? And what is there improbable in the supposition that it was merely in the hope of meeting him when thus returning, and without any information sufficiently definite to induce them to undertake a long journey in search of him, that the servants had gone out to meet him?

There is, in fine, another aspect of the case, apparently worthy of consideration, which seems, however, to have escaped the attention of the commentators who have examined this question, or, at all events, not to have received from them the attention which from its importance it seems to claim.

It is, then, to be remembered that we have to deal not with a narrative such as that of the calling of the disciples (St. John, i. 39), or of our Lord's interview with the Samaritan woman (iv. 6), or of the Crucifixion (xix. 14), in which the Evangelist, stating for the information of his readers the time at which an event occurred, could be in no way constrained by any law of historical narrative to follow the mode of designating the hours, that was in use, at the time of their occurrence, in the country in which they took place. An Eastern traveller, for instance, of the present day, in describing the events of his journey, is not only justified in adopting our mode of designating the days of the month and the hours of the day, but would scarcely be regarded as a skilful narrator if, without a very clear exposition of the points of difference, he were to follow any other course. The case, however, would be different if, instead of describing for the information of his readers the day or the hour at which an event of his narrative took place, he

were quoting, and to all appearance quoting, *the very words*, of *a conversation between natives of the country* as to the occurrence of the event in question.

Now this is manifestly the case in this passage that we are here examining. The Evangelist does not state, as a matter of narrative, that the miracle was wrought at the seventh hour on the previous day. What he narrates is *a conversation* on this subject *between Jews*—the Jewish “ruler of the synagogue” and his servants. “He asked therefore of them the hour wherein [his son] grew better. And *they said* to him: ‘*yesterday, at the seventh hour* the fever left him.’”

We should not indeed be justified in maintaining that any other interpretation of this narrative would be at variance with the Catholic doctrine of Scriptural Inspiration. But it is at all events safe to assert that the obvious and natural tendency of the narrative as thus set forth, is to convey the impression that this very form of expression was used by the servants themselves. Thus then, on this ground alone, independently of all other considerations, we should be justified in inferring that the circumstances of the miracle as narrated by the Evangelist are by no means such as to require us to suppose that “the seventh hour” thus mentioned is to be understood in any other sense than the ordinary Jewish sense.

Coming back, then, to the question of the Hour of our Lord's Crucifixion—“*quaestio difficilis*,” as it is so justly described by Maldonatus and by Cardinal Toletus, “*quae maxima antiquorum et recentiorum exercuit ingenia*”—we need have no difficulty in coming to the conclusion that but little aid is contributed towards its solution by the theory that in St. John's Gospel the hours are counted not from sunrise or sunset, but from midday or midnight. For, whatever reliance may be placed on this as an ingenious *a priori* solution of the difficulty, it would be manifestly unwarranted to represent it as deriving any solid support from the evidence furnished by the Gospel itself as to the usage of the Evangelist in this respect.

W. J. WALSH.

ST. ADAMNAN, NINTH ABBOT OF HY.

IN the year 1845, Dr. Ferdinand Keller was poking with a German's pertinacity, through the shelves of the Town Library of Schaffhausen in Switzerland. In a corner of the room he found a high book chest filled with all kinds of old MSS. without title or number of any kind, and at the very bottom of the heap he came upon a dark brown parchment manuscript bound in moth-eaten beech wood, covered with calf skin, carefully clasped in front, and very neatly and curiously sewed at the back. It was a goodly quarto of 68 leaves, with double columns, written on dark coloured goat skin parchment in large heavy drawn letters of the character known as minuscular. Everything about the MSS. showed great antiquity—the cover, the parchment, the lettering, and the ornamentation. Dr. Keller at first thought he had come upon a hitherto undiscovered treasure; but in this he was mistaken. He only recovered a lost treasure and secured its preservation for the learned world. On examination, the MS. turned out to be the oldest and most authentic copy of Adamnan's Life of Saint Columba, made in Iona either during the lifetime of Adamnan himself, or certainly within a few years after his death.

There can be little doubt that this is the identical MS. discovered by Stephen White in the Monastery of Richenau, and published, with some variations, both by Colgan and the Bollandists. How then did it come to pass that it was found in the old book chest of Schaffhausen Library?

The celebrated Benedictine Monastery of Richenau—Augia Dives, or the Rich Meadow—was situated on a pleasant fertile island in the Lake of Constance, an expansion of the Upper Rhine. The Monastery was suppressed in 1798, but it seems that before its suppression most of its literary treasures were carried off, and thus it came to pass that the old Irish MS. was transferred to the neighbouring Town of Schaffhausen, also on the Rhine, where it was consigned to the bottom of the old book chest until the German scholar brought the hidden treasure again to light.

The Monastery of Richenau in the ninth century appears to have had many Irish inmates, and this is not unnatural, for the great Irish Monastery of St. Gall was within a few miles of the shore of Lake Constance, and considerable intercourse would naturally take place between the two

houses. Walafridus Strabo, Abbot of Richenau, from 842 to 849, had been previously Dean of St. Gall, and in his writings shows an intimate knowledge of many things connected with Ireland which he could have learned only from Irishmen.¹ We know, too, from other sources, that crowds of Irishmen came to France and Germany in the beginning of the ninth century, and that many of them brought their books from their schools at home along with them, as Dungal brought the books which he bequeathed to the Monastery of Bobbio. It is thus easy to understand how some of the monks of Iona, driven from home by the Norsemen, who so often plundered the island about the beginning of the ninth century, would migrate to some friendly monastery on the Continent carrying their literary treasure along with them.

There can, however, be no doubt that the Schaffhausen MS. of St. Columba's Life was written in the Island of Hy by one of the Family, so early as the beginning of the eighth century. The character is of that peculiar kind of which we have almost contemporary specimens in the Book of Kells, and the Book of Durrow, and which is now universally acknowledged to be purely Irish; the ornamentation of the chapters, and of the capital letters, is Irish; the orthography is Irish, and what is stranger than all, the Lord's Prayer is written in Greek on the last page of the MS., and in Greek, of which we have other specimens remaining in old Irish MSS. with the same peculiar spelling, in the same semi-uncial character, without accents, and without breathings—a fact which of itself indisputably proves that the Greek tongue was taught and written in the Irish School of Hy 1170 years ago.

The Colophon, or superscription, in rubric, at folio 136, at the end of the life, records, according to the usual custom, the name of the scribe:—"Whoever reads these books on the virtues of St. Columba, let him pray to the Lord for me Dorbeneus, that after death I may possess eternal life."

In 713, Tighernach records the death of Dorbene, Abbot of Hy, the very year of his election to that high office. There can be no doubt this Dorbene was the writer of the Schaffhausen MS.; there is no mention of any other of the same name in our annals except of one Dorbene,

¹ For instance the details of the martyrdom of St. Blaitmac of Iona by the Danes in 824, which he describes in Latin verse, and may have learned from a fugitive who was perhaps the bearer of this very M.S.

whose son Failan is said to have died in 724. This Dorbene was, as Dr. Reeves thinks, a layman, and, if his son died in 724, he himself in the course of nature must have lived and died before Adamnan. But the abbot who died in 713, would have outlived Adamnan only nine years, and in all probability had been for many years scribe of the monastery, and may have written the book at the dictation of Adamnan himself.

And now, who was Adamnan? Unfortunately we know very little of his early youth. He gives us to understand, at least by implication, that he was born at or near Drumhome, in the barony of Tirhugh, and Co. Donegal. The Church of Drumhome was founded by St. Columba, but St. Adamnan is the patron; and this fact, too, indicates his connection with the locality. There, also, he seems to have spent his earlier years; for it was there, he says, "in my youth, that a very old man called Ferreol, a servant of Christ, who is buried in Drumhome, told me" of a glorious vision which he saw, when fishing in the valley of the Finn, on the night of Columba's death. Scarcely any traces of the old Church of Drumhome now remain; but it was once nobly endowed by the O'Donnells. Even so late as 1609, an Inquisition tells us that "there are in the said parish of Drumhome, four quarters of church land, three quarters of Columbkille's land, each quarter containing six townlands, then in the possession of Lewis O'Cleary, the head of that family which the Four Masters have made illustrious for ever. The old church was finely situated near the shore of the Bay of Donegal, not far from Ballintra, in hearing of the sea, and in view of the bold range of mountains, where the sons of Conall Gulban so long and so nobly defended their ancient freedom.

Adamnan's father, Ronan, was sixth in descent from that same Conall Gulban, and thus belonged to the royal blood of Tironell; his mother was Ronnat, a daughter of Tireнна, the territory that in ancient times extended from Lough Foyle to Lough Swilly. Thus Adamnan was of the same family as St. Columba himself; for Columba was grandson of Fergus, son of Conall Gulban, and Adamnan was sixth in descent from the same Fergus. He was born in 624, according to the best authorities, just twenty-seven years after Columba's death, and, as we may fairly assume, was in his youth placed under the care of the monks of Drumhome, in whose old churchyard he himself tells us many of the monks of Columba await a happy resurrection.

How long the boy remained in his native Tirhugh, feeding his spirit on the glorious vision of its waves and mountains, we cannot now ascertain. It was at that time the custom for scholars, even of the noblest birth, to visit the great monastic schools of the country, and all the more celebrated masters were surrounded by crowds of eager students, who lived on their wits, and lodged as best as they could, generally in little huts of their own contrivance. A curious story is told of St. Adamnan himself in his youth, which amusingly illustrates what may be called the University life of the time.

Finnachta, afterwards Monarch of Ireland, from 675 to 695, and Adamnan's greatest friend, although of the blood royal, was at first very poor. He had a house and wife, but only one ox and one cow. Now the King of Feara Ros (Carrickmacross) strayed in the neighbourhood of Finnachta's hut, his wife, too, was with him and a crowd of retainers; but they could not find their way home, for the night came on dark, cold, and stormy, so they were forced to take refuge in the hut. Small as it was, the size of the house was greater than its wealth. Finnachta, however, "struck the ox on the head and the cow on the head," and feasted all the king's people sumptuously, so that no one was hungry.

Then the King and Queen of Feara Ross gave large herds of cattle to the generous Finnachta, and made him a great man. Shortly after this time, Finnachta, not yet king, however, was one day coming with a large troop of horse to his sister's house, and as they rode along, they overtook "Adamnan, then a young school-boy, travelling the same road, with a vessel full of milk on his back. Anxious to get out of the way, Adamnan stumbled and fell, spilling all the milk, and breaking the jar to pieces." The cavalcade rather enjoyed the fun, and rode away; but Adamnan pursued them closely, and said: "O, good men, I have reason to be sad, for there are three good school-boys in one house, and they have us as two messengers—for there is always one going about seeking food for the five—and it came to my turn to-day. The gathering I made is scattered, and, what I grieve for far more, the borrowed vessel has been broken, and I have no means to pay for it." But Finnachta declared he would make it all right, and he kept his word. He not only paid for the vessel, but he brought the scholars—clerics they are called—to his own house, and their teacher along with them, he

fitted up the ale-house for their reception, and gave them such abounding good cheer, that the professor, exhilarated by the ale, or filled with the spirit of prophecy, as the annals say, declared that Finnachta would one day become the King of all Ireland, "and Adamnan shall be the head of the wisdom of Erin, and shall become 'soul's friend,' or confessor, to the king."

When Adamnan was duly trained in the wisdom of the Irish schools at home, his thoughts naturally turned to Iona. For that remote islet, surrounded by the stormy waters and under the misty skies of the Hebrides, had long been the religious home of his race and family. It was founded by the great Columba, with twelve companions of his own kith and kin. It was now thronged by crowds of pilgrims and scholars, most of whom still came from the Columbian houses in Donegal, Sligo, and Meath. It was the head and centre of the Columbian Order; and almost all its Abbots hitherto, and for long after, came of the royal race of Fergus, son of Conall Gulban. At this very time, when Adamnan was about twenty-five years old, a cousin of his own, Seghine, fifth Abbot of Hy, ruled the entire Order. So with the south wind blowing fair, we may suppose the young scholar launched his curach on the Foyle, and sweeping past the hills of Inishowen, he would in about twelve hours see Columba's holy island slowly rising from the waves. As his bark approached he would eagerly note all the features of the island—the central ridge, the low moory shores, and narrow strait about a mile wide separating it from the Ross of Mull, on the mainland. With a heart swelling with emotion, he must have stepped on the shore of Port Ronain, and then kneeling prostrate before the Abbot in his wooden cell, he begged to be admitted to the habit of the Order. And we may be sure the venerable Seghine received with open arms the strong-limbed, fair-haired boy, who was sprung of his own ancient line, and born in his own Tírugh.

Adamnan began his noviciate about 650, and after thirty years' service in the brotherhood, was himself raised to the Abbatial Chair, in 679. We know little of his life during this period, except that it was eminent for virtue and learning. We have undoubted proofs of his success in sacred studies, not only in the works that remain, but also from the testimony of his contemporaries. He was, says Venerable Bede, a virtuous and learned man pre-eminently skilled in Sacred Scripture: "*Erāt enim vir bonus*

et sapiens, et scientia Scripturarum nobilissime instructus." This is high testimony from a high authority. Father H. Ward felt himself justified in saying that Adamnan was thoroughly educated in all the knowledge of his time, liberal, sacred, and ascetical; that he was also skilled in the Greek and Hebrew languages, as well as in the arts, laws, and history written in his native tongue: "Edoctus est omnes liberales, sacras, et asceticas disciplinas, linguas etiam Hebraicam et Græcam; et quicquid patria lingua (in qua tunc pleræque scientiæ et Dryadum quæ non fuerant damnata dogmata), scriptum est vel artium vel legum vel historiarum."

Yet this learned monk was not above giving his assistance in the manual labour of the monastery. He tells us in his life of St. Columba,¹ how on a certain occasion he and a number of other monks cut down as many oak trees in one of the neighbouring islands, probably Arran, as loaded twelve boats, in order to procure material to repair the monastery; and how, when detained by an adverse wind, St. Columba heard their prayer, and procured for them a favourable breeze to waft them home. This fact, incidentally mentioned, proves that most of the monastic cells were made of oaken boards, which were covered in with a roof of reeds. St. Columba's own hut is represented as *tabulis suffultum*, and we know from other sources that as a protection against the weather these cells were *harundine tecta*. It is in this respect that the "Vita Columbae" is so valuable, because it gives us incidentally not only a graphic picture of the simple and pious lives of the Family of Hy, but also of their food, their clothing, their monastery, and their entire social arrangements.

Although St. Adamnan ruled the monastery of Hy from 679 to his death in 704, he paid several visits to Ireland, and exercised a large influence both on its ecclesiastical and civil polity. This was due partly to his high character for learning and holiness, partly to his position as Supreme Head of the Columbian Houses, and in great measure also to his influence with Finnachta, the High King from 675 to 695. It is not easy to ascertain the exact date of these visits nor the work done on each occasion, but the substantial facts are certain.

In the year 684 one of the generals of the Northumbrian King Ecgfrid, made a descent on Magh-Bregh, that is the

¹ Book II., c. 45.

eastern plain of Meath along the sea shore. They pillaged and slaughtered in the usual fashion, and furthermore carried off many captives male and female. This attack was wholly unprovoked, and as Bede testifies brought down upon the Northumbrian prince the signal chastisement of heaven. In the following year, rashly advancing against the Pictish King Brude, Ecgfrid was slain and his army routed at a place called Dun Nechtain. Thereupon Aldfrid his brother returned from Ireland, where he had been for many years an exile, and succeeded to the throne. Aldfrid during the years he spent in Ireland became intimate with Adamnan; our annalists call him the *alumnus*, or foster son of Adamnan. Now, that he was raised to the throne, the latter took occasion to pay him a visit, in order to obtain by his friendly offices the release of the captives. Miraculously crossing the Solway Frith, whose rushing tide "the best steed in Saxon land ridden by the best rider could not hope to escape," he came to the Northumbrian Court, at Bamborough, and seems to have been received with open arms by his *alumnus*, who at once consented to restore the captives, sixty in all, whom shortly after Adamnan brought home to Ireland. But this visit to the English court had other important consequences. When he saw, says Bede, during his stay in our province (probably at Easter) the canonical rites of our church, and was prudently admonished that they who were placed on a little corner at the end of the world should not persevere in their peculiar Paschal observance against the practice of the universal church, he changed his mind and willingly adopted our custom. On the same occasion he visited the monastery of Jarrow where the monks greatly admired the humility and modesty of his demeanour, but were somewhat scandalized at his Irish frontal tonsure from ear to ear, then known as the tonsure of Simon Magus.

On his return to Hy, Adamnan tried to induce his monks to adopt the Roman Paschal observance, but they were so much attached to the practice sanctioned by their great and holy founder that even Adamnan failed to bring about a change. It was not until 716, twelve years after his death, that they finally consented to adopt the Dionysian cycle of nineteen years in fixing Easter Day.

He was more successful in Ireland. On his return thither with the captives in 686, a Synod seems to have been held for the purpose of bringing about this change, to which he himself alludes in his life of St. Columba.

Neither the time nor place of the Synod can be exactly ascertained; it is not unlikely, however, that it took place on the Hill of Tara at the "Rath of the Synods," where tradition still marks out the place of "Adamnan's Tent" and "Adamnan's Cross."¹ Others think it was held a much later date in 696 or 697, when "Adamnan's Canon" was published, to which we shall refer later on. It is certain, however, that Adamnan exerted his great influence thenceforward to introduce the new Paschal observance into Ireland, although he did not perhaps finally succeed until towards the end of his life.

On this occasion Adamnan's visit was not of long duration, but he paid a second visit to Ireland in 692—fourteen years after the death of his predecessor Failbhe, as the Annals say. This time it was a political question that attracted him from Hy. For forty reigns the men of Leinster had been paying the cow-tax, known as the Borumean tribute, to the princes of the Hy Neill race, to which race Adamnan himself belonged. Finnachta, however, the present High King and the old friend of Adamnan, remitted this tribute at the prayer of St. Moling, whom our Annalists represent as having recourse to a curious equivocation to effect his purpose. The king, at the prayer of the saint, consented to remit payment of the tax for "the day and night." "All time," said the Saint, when the king had pledged his royal word to this remission, "is day and night; thou canst never reimpose this tax." In vain the monarch protested that he had no such intention, the Saint kept him to his word, promising him heaven if he kept it, and the reverse if he did not. When Adamnan heard how weakly the king had yielded the ancient rights of the great Hy Neill race, he was somewhat wrathful, and at once sought out the monarch, and asked to see him. The king was playing chess, and told Adamnan's messenger, who asked an interview for the Saint, that he must wait until the game was finished; then he played a second, and was going to play a third, when the Saint threatened him with reading a psalm that would not only shorten his life but exclude him from heaven. Thereupon he came quick enough, and at once Adamnan said, "Is this true that thou hast remitted the Borumha for day and night." "It is true," said the king. "Then it is the same as to remit it for ever," said the Saint, and he "scolded" him in somewhat vigorous

¹ See Petrie's *Tara*, page 147.

language, and made a song on him on the spot, calling him a foolish, white-haired, toothless king, and using several other epithets the reverse of complimentary.

Of course all this is the work of a northern bard, who puts into the mouth of Adamnan language which he would use himself; nevertheless, there is a substratum of truth in the story highly coloured as it is by poetic fiction. In the end, however, the writer adds:—"Afterwards Finnachta placed his head on the bosom of Adamnan, and Adamnan forgave him for the remission of the Borumha." Shortly after, however, Adamnan was again angry with the king, and foretold "that his life would be short, and that he would fall by fratricide." The Irish life gives the true cause of the anger and the prediction: it was because Finnachta would not exempt from taxes the lands of Columbkille, as he exempted the lands of Patrick, Finnian, and Ciaran. This not unnaturally incensed the Saint against the ungrateful king, whose throne he had helped to maintain. The prediction was soon verified; Finnachta fell by the hand of a cousin in 697.

It was on his return to Hy after this second visit that Adamnan seems to have written the life of Columbkille. Shortly after he paid a third visit to Ireland in 697, and apparently spent the remaining seven years of his life in this country. It was in that year, most probably, was held the Synod of Tara in which the *Cain*, or Canon, of Adamnan, was promulgated. According to a story in the Leabhar Breac there are four great Laws, or "Canons," in Ireland. The Canon of Patrick, not to kill the clergy; the Canon of the nun Dari, not to kill the cows; the Canon of Adamnan, not to kill women; and the Sunday Canon, not to travel on that day. The origin of the Canon of Adamnan was this. He was once travelling through Meath, carrying his mother on his back, when he saw two armies in conflict, and a woman of one party dragging a woman of the other party with an iron reaping hook fixed in her breast. At this cruel and revolting sight Adamnan's mother insisted that her son should promise her to make a law for the people that women should in future be exempted from all battles and hostings. Adamnan promised, and kept his word—in 696 according to the Ulster Annals—"dedit legem innocentium populis." That is he procured the passing of a law exempting women and children—*innocentes*—from any share in the actual conflict or its usual consequences, captivity or death. This fact is substantially true, though considerably embellished

in the details.¹ And Ireland owes the great Abbot a lasting debt of gratitude for procuring the enactment of this law, which was afterwards re-enacted in 727 when the relics of Adamnan were removed from Iona to Ireland and "the law renewed." There are several other Canons probably enacted at a Synod at Armagh about the same time, but this is far the most important of them all.

The life of St. Gerald of Mayo represents Adamnan as governing the monastery of that place, originally founded by the Saxons, for seven years. Tradition also connects the Saint with the Church of Skreen in the Co. Sligo, of which he is the Patron, and was in all probability the Founder. As head of the Columbian Order it was his duty, from time to time, to visit the Columbian Churches in Ireland, of which there were very many, especially in Sligo and Donegal. He may thus have spent a considerable time in Mayo of the Saxons, although the life of St. Gerald is very unsatisfactory evidence of the fact.

We cannot stay to notice the alleged "Cursing" of Irgalach by Adamnan. The story is intrinsically improbable and unsustained by respectable authority. In the last year of his life, 704, he returned to Iona. Although the Monks would not consent to give up St. Columba's Easter, he loved them dearly and wished to bless them before he died. After his noble life he might well rest in peace with the kindred dust of all the saints of Conall Gulban's line that sleep in the Holy Island.

A century later, however, as we have seen, the sacred relics were transferred to Ireland, but it is not known for certain where they were laid.

Adamnan's two most important works are his "*Vita Sancti Columbi*," and his Book, "*De Locis Sanctis*."

The Life of St. Columba has been pronounced by Pinkerton to be "the most complete piece of such biography that all Europe can boast of, not only at so early a period, but even through the whole middle ages." Adamnan himself declares that he wrote the book at the earnest request of the Brothers; and that he states nothing except what was already written in the records of the monastery, or what he himself heard from the elder monks, many of whom saw the blessed Columba, and were themselves witnesses of his wonderful works. The entire narrative,

¹ The story of Adamnan's carrying his mother on his back originated in his well-known filial piety.

which is written in fairly good Latin, furnishes ample proof of the truth of this statement. Hence the great value of this Life, not only as an authentic record of the virtues and miracles of St. Columba, but also as a faithful picture of the religious life of those early times by a contemporary writer, so well qualified to sketch it, and who does so, quite unconsciously. The manuscript in the Library of Schaffhausen is of equal authority with the autograph of the saint, if, indeed, it were not actually written at his dictation, so that the most sceptical cannot question the authenticity of this venerable record. The Life was printed from this codex by Colgan in 1647, and by the Bollandists at a later date. But the edition published in 1837 by Dr. W. Reeves, for the Irish Archæological and Celtic Society, is by far the most valuable. The notes and appendices to this admirable volume render it a perfect mine of wealth for the student of Irish history. The Life was translated into English, and published with short notes by Gill & Son, Dublin, 1878.

Venerable Bede gives us a very full account of the treatise *de Locis Sanctis*, in the 16th and 17th chapters of the fifth Book of his Ecclesiastical History. It is, he says, a book most useful to the reader (in that age). The author Adamnan received his information about the holy places from Arculfus, a Bishop from Gaul, who had himself visited Jerusalem, Constantinople, Alexandria, and all the islands of the sea. When returning home a tempest drove his vessel to the west parts of Britain,¹ where he met Adamnan, probably in Hy, to whom he narrated all the noteworthy scenes he had gone through. Adamnan at once reduced the narrative to writing for the information of his own countrymen. He presented the work to his friend King Aldfrid, through whose liberality copies were multiplied for the benefit of the young, if such be the meaning of Bede's phrase: "*Per ejus largitionem etiam minoribus ad legendum contraditus.*" Bede himself was greatly pleased with the book, from which he inserts several extracts in his own History, concerning Bethlehem, Jerusalem, Mount Olivet, and other places in Palestine. It was published at Ingoldstadt in 1619.

A Life of St. Patrick and various poems have been attributed to Adamnan, but there is no evidence to prove that they are genuine. The same may be said of the

¹ Up to the tenth century Britannia included Scotland.

"Vision of Adamnan," a kind of moral discourse in Irish, which purports to relate a wonderful vision of joys of heaven and of the torments of hell as seen and narrated by the saint. The work is certainly very ancient, but contains many things that go far to disprove its own authenticity.

When we consider the life and writings of this great man, as well as the large influence which he exercised on Irish affairs during the latter half of the seventh century, few will be disposed to question his right to take a high place amongst the saints and scholars of the West. He has been justly described in the prologue to the "Vision" as "the noble sage of the Western world." We have already quoted Bede's high testimony to his virtue and learning. The Four Masters emphatically endorse that testimony, and add that "he was tearful, penitent, fond of prayer, diligent and ascetic;" and that he was moreover "learned in the clear understanding of the Holy Scriptures of God."

J. HEALY.

THE DENIS FLORENCE MACCARTHY MEMORIAL.

REMEMBERING how easily the world, especially in these bustling times, lets even prominent public men drop out of sight when their time comes to die, one is surprised at the favourable reception which the proposal to honour the memory of Denis Florence MacCarthy, has already met with. He died on last Good Friday, April 7th, 1882; and a committee was soon after formed for securing some suitable memorial of our Irish poet. This committee reckons among its members—Cardinal Newman, Cardinal MacCabe, the Archbishop of Cashel, Lord O'Hagan, Sir C. Gavan Duffy, Aubrey de Vere, the Lord Mayor of Dublin, Mr. Dwyer Gray, T. D. Sullivan, M.P., Mr. Lane Joynt, and many other distinguished men, representatives especially of various classes of Irishmen.

The Denis Florence MacCarthy Memorial Committee have barely begun their labours. Almost their earliest efforts have been directed to the publication of a complete and popular edition of Mr. MacCarthy's own works, apart

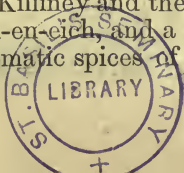
from his marvellously perfect translations. This will be issued immediately, and will promote the wider recognition of the poet's claims.

What was his work? He was simply a true Irish poet. On the occasion of the Moore Centenary he was hailed as Poet Laureate of Ireland, and he had a valid claim to the title. He devoted his life with unwavering fidelity to the more graceful forms of literature; and he helped to prove anew that there is no more exquisite medium for the expression of the fancies of the brain than the English tongue wielded by Irish genius. His muse sought her inspiration from Irish history, Irish scenery, and Irish feeling. Many arduous years were indeed consecrated to the transfusion of the sacred drama of Spain into the language of Shakespere. But if MacCarthy and Calderon are now names as inseparably united in English literature as Cary and Dante—if Ticknor, the highest authority on Spanish literature, pronounces MacCarthy's version to be "little less than marvellous," and if Longfellow (a poet of closely kindred genius, though of much more world-wide fame), tells his brother poet that he has read his translation "with eagerness and delight"—if one of the consolations of his last months of declining health was to receive, on occasion of Calderon's bi-centenary, an exquisite medal from the Royal Spanish Academy, as a token of the gratitude of Calderon's countrymen: all these conquests on foreign fields, like the Brigade at Fontenoy, only won glory for Ireland.

But it is his Irish strains that will make him for ever a poet. His "heart untravelled fondly turned" to Erin. He cannot see the Bay of Naples without thinking of the Bay of Dublin, his thoughts wander from Misenum to Killiney, and he exclaims:—

"My native bay, for many a year
I've loved thee with a trembling fear
That thou, though dear and very dear
And beauteous as a vision,
Shouldst have some rival far away,
Some matchless wonder of a bay,
Whose sparkling waters ever play
'Neath azure skies elysian."

His wanderings only serve to set such misgivings at rest. Thus are Howth and Killiney and the Vale of Shanganagh and the Pass of Kein-en-cich, and a thousand Irish names, embalmed in the aromatic spices of his verse; whilst his



longer poems treat of such themes as the Foray of Con O'Donnell and the Voyage of St. Brendan. The Italian Bell Founder would never have been immortalised by his muse, if the bells themselves had not strayed from Fiesole to St. Mary's Tower in Limerick. A Saxon reviewer in the *Athenæum* of thirty years ago, bestowing great praise on this most interesting poem, accuses the poet of bathos in making the story end on the banks of the Shannon. For a true Irish heart, such as Florence MacCarthy's, this was not bathos, but

“Like noble music with a golden ending.”

There is one special praise to which our Laureate is entitled. Their admirers have sometimes to devise excuses for what is blameworthy in men of genius. But with MacCarthy there was no sowing of wild oats. Even in his earlier days, when he interpreted so well the vague, pathetic longings of the young heart that is “weary waiting for the May”—from first to last he never wrote a line that might not be read aloud round the family fireside, even on a Sunday evening.

Such a man must not be forgotten. Ireland, blamed so often for being *incuriosa suorum*, cannot afford to be neglectful of a son like this. An appeal is therefore made to all Irishmen of every class for the means of providing suitably for the preservation of Florence MacCarthy's memory. No political or religious difference can here be an obstacle; for MacCarthy, though one of the ardent and gifted band who have their place in history as “Young Ireland,” and who founded the *Nation* and Duffy's “Library of Ireland,” had always the widest literary sympathies, and was not a politician at all, but only a poet and *litterateur*.

Not only Ireland at home, but Ireland of the dispersion, will send generous offerings for this purpose. As a slight symptom of MacCarthy's abiding popularity in the United States, it may be mentioned that on last Patrick's Day four New York papers, and perhaps several others, republished his “Shamrock from the Irish shore.”

The warm and even affectionate zeal which this enterprise has already evoked, almost before being fairly begun, is a sure omen that, whatever coldness or neglect we may have shown towards other names worthy of honour, and however our poet himself, a man singularly modest and retiring, though most genial and attractive

with those who knew him well, may in life have escaped the plaudits of the world, Ireland is determined to preserve in grateful love and honour the name of Denis Florence MacCarthy.

It is important that such names shall be linked with *Catholic* Ireland. Irish priests perform a work of zeal and piety in fostering such undertakings by word and example.¹

PROGRAMME OF SCHOLARSHIPS FOR PROFICIENCY IN RELIGIOUS KNOWLEDGE AT ST. COLMAN'S COLLEGE, FERMOY.

THE question of Religious Education in our Catholic Intermediate Colleges and Schools is one of pressing importance at the present time for all who are responsible for its direction or management. Already this question has forced itself on the attention of many priests who have been witnesses of the working of the Intermediate system since its introduction into our country, not because of the earnestness and zeal manifested in the pursuit of this all-important branch of Catholic education, but for precisely the opposite reason. They have seen with regret, and almost with alarm, that secular learning not only occupies the first and chief place in our schools, but has engrossed the time and attention of our masters and pupils to the neglect and, in some instances, almost to the exclusion of religious education. It is now quite a matter of course that the average boy of fifteen or sixteen years of age should know his Latin and Greek grammars from cover to cover, and be able to account for the many allusions to geography and history and mythology in the prescribed parts of his *Cæsar* and *Virgil* and *Ovid* and *Xenophon* and *Lucian*. He can repeat hundreds of lines from

¹ We are requested to state that the Rev. Matthew Russell, S.J., Upper Gardiner-street, Dublin, who is a member of the D. F. MacCarthy Memorial Committee, will gladly take charge of the subscriptions of any of his brother Priests who may find it more convenient to communicate with him rather than directly with the treasurer, Dr. James Brady, 38, Harcourt-street, Dublin. Any priest can readily enlist the co-operation of many around him.

The Traveller, or *The Deserted Village*, or whole cantos of *The Lay of the Last Minstrel*, of *Marmion*, or of *The Lady of the Lake*. He is equally well "made up" in Greek, Roman, and English history, in Euclid and Algebra, in Physical Geography and perhaps Chemistry, and in some one or two modern languages. We do not complain of this proficiency in secular knowledge; it is, on the contrary, a source of pleasure and pride to us that our Catholic schools are holding a respectable place in this intellectual race. But what we do complain of and sincerely regret is, to hear from those who have experience of our schools, that this average boy, whose mind is so well stored with secular knowledge, would not deserve an Exhibition or a Prize, or, very probably, even a Pass in an examination on the Catechism. As for systematic religious instruction of a higher kind than is represented by the Catechism—instruction, for instance, in Scriptural history and topography, in the great events of Church history, in the explanation of Catholic dogma and discipline, so as to enable our young Catholic gentleman, when he leaves the Intermediate College, to meet the reasonable doubts suggested to him by his own opening mind, or by his companions who may be from amongst those who are outside the fold of the Church, we fear that such instruction is not attempted in some of our schools. If this be so, the question is indeed one of pressing importance for all concerned.

This state of religious teaching in our schools, however deplorable, should not very much surprise us. It is the natural outcome of the encouragement given by the Intermediate Education Act to the pursuit of secular knowledge, which is now the way to honour and profit for the pupils, if not for their masters; while proficiency in religious knowledge is left unrewarded. It is too much to expect that the young boys will apply themselves earnestly to a branch of education, on which so little store seems to be set in his own College as well as in the Intermediate Act.

What, then, is the remedy for this serious defect? The remedy manifestly is to restore proficiency in religious knowledge to the place of honour from which it has fallen in the mind of the pupils. This can be done only by adapting to it the Intermediate system: we must have our Exhibitions, our Prizes, and our Passes for religious knowledge. Our schools must publish their systematic course of religious instruction, and appoint examiners who are not

connected immediately with the particular school, and publish in their yearly record of Intermediate successes, and at the head of the list, the Exhibitioners and Prize-men and Pass-men in the branch of religious knowledge. We confess that we should prefer to see this system organised as one whole for all the Catholic Schools of the country, just on the lines of the Intermediate Education Act. We do not doubt that our priests would gladly subscribe the necessary funds, and in the noble work they would be assisted, beyond doubt, by many generous, thoughtful laymen. There are not many good works of higher merit.

But if this system is not to be worked by all the schools of the country in common, the next best project is for each college and school to stimulate its pupils by rewards of its own. Some time ago we invited attention to the good work in this respect that was being done in St. Malachy's College, Belfast, St. Vincent's College, Castleknock, and in St. Peter's College, Wexford. And we are glad to find that this example has stimulated another important diocesan college to do likewise. The president of St. Colman's College, Fermoy, writes to us, "The Bishop of Cloyne, Most Rev. Dr. MacCarthy, has established in our college scholarships for proficiency in religious knowledge. The idea of such scholarships was suggested to me by some articles which appeared in the RECORD, and especially by a programme of religious scholarships established in the diocesan college of Ferns, which was noticed in the same publication. I enclose a programme."

From this programme we find that in St. Colman's College, Fermoy, there are scholarships to the annual value of £200. They are divided into Entrance Scholarships and Religious Scholarships. The Entrance Scholarships are *eleven* in number, each of £15; four open to freshmen only, three reserved to students who have spent the previous year in the college, and are under sixteen years of age, and four open to both freshmen and old students who are under seventeen years of age. These eleven Scholarships are for proficiency in secular knowledge. The rest of the money is devoted to the scholarships for proficiency in religious knowledge. We have great pleasure in appending this part of the programme, and we hope that the splendid example of the priests and bishop of Cloyne, who have taxed themselves for so meritorious a purpose, will stimulate other dioceses to go and do likewise.

ST. COLMAN'S COLLEGE, FERMOY.

SESSION 1882-83.

SCHOLARSHIPS TO THE VALUE OF £200.

The following Scholarships are offered for competition during the Session 1882-83:—

I.—ENTRANCE SCHOLARSHIPS.

* * * * *

II.—BISHOP'S SCHOLARSHIPS.

FOR PROFICIENCY IN RELIGIOUS KNOWLEDGE.

In order to give an additional impulse to Systematic Religious Instruction, His Lordship, the Most Rev. Dr. MacCarthy, Bishop of Cloyne, has been pleased to offer *three* Scholarships for proficiency in Religious Knowledge to be competed for by resident students of St. Colman's College, during the Session 1882-83, viz.:—

A. One Scholarship, value £10, open to students who shall be *under fifteen* years of age on the 1st day of June, 1883.

B. One Scholarship of £10, open to students who shall be *under sixteen* years of age on 1st day of June, 1883.

C. One Scholarship of £10, open to students who shall be over sixteen, but *under eighteen* years of age on the 1st day of June, 1883.

REGULATIONS AND CONDITIONS.

1. The Examination for these Scholarships will be held in St. Colman's College, Fermoy, on the *second Tuesday in February*, 1883, and all students within the prescribed limits of age *will be obliged to compete*.

2. The Examination will be conducted strictly in accordance with the Intermediate System, the examiners being two priests, *unconnected with the College*, and specially appointed for the purpose by the Bishop.

3. The Subjects for Examination will comprise (a) the Text of Butler's Catechism; (b) History of the Bible; (c) Church History; (d) Exposition and Evidences of Catholic Faith.

4. These Scholarships are tenable by *resident* students during the *Summer Term* of the Session 1882-83. Should

any of them, however, be won by students who have already gained Entrance Scholarships, such students will be permitted to hold the "Bishop's Scholarships" in St. Colman's College during the Term commencing September 1st, 1883.

5. In addition to the foregoing, the following prizes will be offered to *extern* students of St. Colman's College who shall score the highest marks at the Examination in Religious Knowledge, viz.: for the highest mark gained by a student *under fifteen* years of age, a prize of £1 10s.; for the highest mark gained by a Student *under sixteen* years of age, a prize of £2; for the highest mark gained by a Student over sixteen, but *under eighteen* years of age, a prize of £3.

No Student shall be eligible to a Scholarship or a prize for proficiency in Religious Knowledge who fails to score 45 *per cent.* of the maximum number of marks allowed for that subject.

LITURGY.

I.

The term of Paschal Time.

When the statutes of a diocese state that the paschal time terminates on Ascension Day, and the bishop wishes that rule to remain in force, does the paschal time, notwithstanding the bishop's action in the matter, extend to the Octave of the Feast of SS. Peter and Paul, the point fixed by the Indult (4 May, 1851) *Contrariis quibuscunque non obstantibus*?

In these circumstances the paschal time terminates on the Feast of the Ascension. Pius IX. granted to the Irish bishops the privilege of extending it to the Octave of SS. Peter and Paul, but a bishop is not obliged to make use of that privilege. In his wisdom the bishop thinks it better for the interests of religion in his diocese to keep the term of Paschal time as fixed for this country by Paul V., and not to apply the further privilege granted by Pius IX. *Nemo tenetur privilegio uti.*

This is the sense in which the bishops understand the Indult of 1851, as a privilege granted to themselves to facilitate the performance of a duty they owe to their people, and not as a concession made to the people directly or independently of their bishop.

II.

The Form of Baptism for Adults.

The five years granted by the Pope for using the short form in the baptism of adults having expired, has the long form become obligatory under sin?

The long form is now obligatory, as it was before September, 1876, and will continue to be so, until a renewal of the Indult is obtained.

III.

Conditional Baptism, should it be conferred in the following cases?

O'Kane states (174) that if a priest baptizes conditionally without making diligent inquiry, and without a reasonable, not a slight, suspicion of previous improper baptism (454), he would be guilty of sin and incur an irregularity.

(a) Sometimes in towns, where a number of children are brought to the church together, the nurse who baptizes may not be present or near at hand, and the others tell you there was great hurry and confusion at the time. Will this suffice for conditional baptism?

(b) When a nurse says that she dipped her hand in a basin of water each time when naming each of the Three Divine Persons, are the matter and form sufficiently simultaneous?

(c) Most midwives wish you to baptize after them. If a not very intelligent one seems to have done all that was necessary (for the priest has questioned her on what she did), but yet is anxious for the conditional repetition, might the priest baptize conditionally on the ground that her anxiety diminished sufficiently the "*fide dignis testimoniis*" required by the Synod of Maynooth?

Answer to (a) The Synod of Maynooth lays down the practical rule by which we are to judge of particular cases as they occur. The bishops tell us to baptize conditionally unless it is certain on credible testimony that the baptism conferred by the nurse or midwife was valid:—"Baptizare sub conditione volumus infantes qui a nutricibus aut obstetricibus in domibus privatis abluti sunt, nisi fide dignis testimoniis constet baptismum fuisse rite collatum." In the absence, then, of certainty of the validity of the baptism by the nurse, the priest is to baptize conditionally. Now this certainty is wanting when we have, as St. Alphonsus phrases it, "*probabilis suspicio erroris in dato baptismo*"—a probable or prudent suspicion that the former baptism was not valid.

In our opinion, the grounds for this probable or prudent suspicion of an invalid baptism are not wanting in the case stated by our respected correspondent. The priest has received no explicit testimony to prove that the baptism was conferred by the nurse. Even positive reason for doubting this is supplied by the witnesses who tell him that there was great hurry and confusion in the house or apartment at the time. He cannot then be certain that the nurse even set about the baptism. And the instances of invalid or at least doubtfully valid baptism, even when there is no doubt that the nurse or midwife undertook to act as minister of the sacrament, are so frequent as to make it a duty on the part of the priest to baptize conditionally in all such cases, unless he is certain of the validity. Of course, in all cases of private baptism, the priest is bound to make an investigation as best he can into the manner in which the sacrament was conferred, before he proceeds to conditional baptism. Accordingly in the particular case we are considering, the conditional baptism should not be given before the priest has endeavoured to confer with the nurse in order to learn from her whether she set about the baptism, and what she did.

Answer to (b) We think that in this case the application of the matter and form was sufficiently simultaneous. It must be remembered that not physical but only moral simultaneity is required in the application of the matter and form of baptism.

Answer to (c) We are not aware, nor have we heard before now, that such is the wish of nurses generally. In a particular case we should be inclined to think that the persistency of the nurse in requesting the priest to baptize, after he had explained to her the obligation of not repeating the baptism even under condition, if it had been validly conferred by her, raises a sufficiently grave suspicion that she did not do what was required for valid baptism. Such persons, influenced by fear, or anxiety to preserve consistency with previous statements made to some one else, or for other motives, are not unlikely to conceal the truth, while at the same time they are resolved that the infant shall not be deprived of baptism. At all events, the mode of acting described, gives grounds, in our opinion, for this prudent suspicion. Hence we believe that this is a case for conditional baptism.

If, however, you know from your missionary experience that midwives and nurses are wont to insist on re-baptism,

because they erroneously suppose that baptism conferred by a priest has a special virtue which they are unwilling to see lost to the child, in this case we should not take the request made by the midwife to be a sufficient reason *per se* for a conditional baptism.

IV.

May the Viaticum be administered by a Priest who is not vested in Soutane and Surplice?

St. Liguori says, “Ministrare Eucharistiam sine stola et superpelliceo communiter censent Doctores esse mortale ex genere suo.” May one notwithstanding conform to the custom of a diocese tacitly approved by the bishop, of administering the last sacraments to the sick with a stole alone, “super vestem communem?” The contrary practice would be generally “valde inconveniens” (O’Kane, 798). Even to send them to the house beforehand is not practicable.

In the circumstances of our country you are still justified in very many instances in following the custom to which you refer, and which is tolerated by the bishops on account of the very great practical difficulty of adhering exactly to the rubric of the ritual. But we ought to conform to the ritual where this great practical difficulty does not exist. What, for instance, prevents a priest from taking with him his surplice and soutane when he drives to a sick call in the country? We fancy, too, that in many other instances this practical difficulty would disappear if the priest provided himself with a very light soutane of cashmere or some such stuff, without sleeves and without lining, and a surplice also of fine, gauzy material. Both would easily fit in one of those small neat leather bags which are now so common, and which would not be inconvenient or unsuitable for the priest to carry in his hand when he walks to a sick-call in the village or its vicinity.

V.

The People should kneel at the Creed when said in Low Mass.

It is a very ancient custom in this and several other dioceses for the people to stand while the priest is saying the Creed at Mass. The posture seems to be a very respectful one, as it is understood to be a token of their profession of faith in the articles of the Creed.

Ought the custom to be allowed to continue?

At the Creed, as at all other parts of the private Mass, except the Gospel, the kneeling posture is the proper one for

the people. At the Gospel alone they stand. In the Missal rubrics we read: "Circumstantes autem in Missis privatis semper genua flectunt, etiam tempore Paschali, praeterquam dum legitur Evangelium."¹ And we know that the Sacred Congregation of Rites, in a decree which was approved by Urban VIII., declared customs contrary to the rubrics of the Roman Missal to be abuses. In trying to abolish a custom which is so ancient and general, and which probably originated from praiseworthy motives, you should proceed slowly and prudently. You should first take counsel with your bishop on the matter, and if he recommends the strict adherence to the rubric, you should then explain to the people the good reasons for the change about to be inaugurated.

VI.

How should the Bishop of the Diocese be saluted when he presides at an Office for the Dead?

1. Should a Bishop presiding at an Office for the Dead in his own diocese be saluted with a genuflection by the priests (not canons) who pass before him on their way to read the lessons?

2. In the same circumstances should the Master of Ceremonies in passing before the Bishop salute him with a genuflection?

3. Does it make a difference if the Office is celebrated at an altar where the Blessed Sacrament is kept? T. F.

1. Yes. The Congregation of Rites decided (12th Sept. 1857), that the ordinary choir salutations are not to be omitted at the Office for the Dead, or at the Tenebrae in Holy Week, except on Good Friday, from the time of the adoration of the Cross till the Mass on Holy Saturday. Now, the *Caeremoniale Episcoporum* (lib. I. c. xviii. n. 3) lays down the general rule on the manner of saluting a bishop when officiating in his own diocese in these words:

Regulariter quoties ipsi canonici transeunt directe ante altare vel ante episcopum, caput et humeros profunde inclinant; beneficiati autem et caeteri de clero genuflectere debent, transeundo, tam ante altare, quam ante episcopum.

Accordingly we find it expressly stated by the rubricists generally, that the chanters and the clergy, except canons, who proceed to read the lessons salute with a genuflection the diocesan bishop when they pass him by on the way to the lectern. It will suffice to refer to one or two modern

¹ *Rubr. Gen. Mis. par. i., tit. xvii., n. 2.*

authorities. Martinucci, in his chapter on the Office for the Dead (Book v. cap. xxi.), writes :—

“Cantores, quando cantabitur antiphona, procedent ante altare, genuflectent ad Crucem et ad episcopum.”

And again at n. 41 :—

“Dum recitabitur *Pater Noster* a caeremonio invitabitur qui cantare primam lectionem debet: hic autem de stallo suo discedens coibit cum caeremonio et procedet ante altare, conficiens reverentiam si fuerit canonicus, genuflectionem autem, si Beneficiarius, ad Episcopum et ad Altare, vel prius ad Altare postea ad Episcopum, juxta Altaris Situm, et ante legile consistet.”

De Herdt¹ lays down the same rule.

2. Yes; unless the master of ceremonies happens to be a canon.

3. The presence on the altar of the tabernacle containing the Blessed Sacrament does not cause a difference in the mode of saluting the bishop.

VII.

The Missa Quotidiana Defunctorum offered for the Living.

Is it at all allowed to say the *Missa quotidiana defunctorum*, when discharging an ordinary intention for the living? F. M.

1. This is not allowable on a double feast or privileged feria on which the *Missa Quotidiana Defunctorum* is forbidden.

2. It is not allowable, in case of an express understanding on the part of the donor that the Mass was not to be said in black.

3. But if the day allows a Requiem Mass, and if there is no such express understanding, a priest satisfies his obligation to the donor of the honorarium, and is not consequently obliged to make restitution, by offering the *Missa Quotidiana* for his intention, even though the intention have regard to the living only.² Because the efficacy of one Mass is the same as the efficacy of any other Mass, *ratione sacrificii*. Moreover, it is the common teaching of Theologians that the souls in purgatory can and do assist the faithful on earth by their prayers.

Though the priest who acts in this way satisfies the obligation of justice, there is a certain deordination in

¹ *Praxis Pontificalis*, Tom. I. Lib. I. cap. 18, n. 156.

² See Cavalieri, Tom. III. x. n. 20.

saying the Missa defunctorum for the living, inasmuch as the Church has drawn up the special prayers of this Mass as suffrages for the dead.

VIII.

The Second Prayer in the Missa Quotidiana.

In saying the Missa Quotidiana Defunctorum for deceased priests, is it competent for me to say, instead of the second of the three ordinary prayers, a prayer for my deceased father?

O'D.

Yes; the second prayer is changeable, and one is not bound to make in this place the commemoration of the person or persons for whom the Mass is offered.

R. BROWNE.

CORRESPONDENCE.

I.

TO THE EDITOR OF THE IRISH ECCLESIASTICAL RECORD.

Cincinnati, June 5th, 1882.

SIR—Permit me to call attention to an article of mine published in *The Catholic Review* newspaper, a copy of which I send you, in reply to a criticism of Vol. iv. of Alzog's Church History, which appeared in the May number of *The Irish Ecclesiastical Record*. The article needs no explanation, and I merely bring it under your notice, leaving to you the character of the reparation that should be made.—Respectfully,

THOS. S. BYRNE.

We have received from the Rev. Thos. S. Byrne, one of the American "translators" of Alzog's Church History, the foregoing letter which we publish with much pleasure. It refers to an observation made by the writer of the notice of that work, which appeared in our May number.

We regret that we cannot comply with Fr. Byrne's request that we should also insert, as a reply to the observation referred to, his letter on the subject to the Editor of our excellent American contemporary, *The Catholic Review*. We must for two reasons decline to do so.

In the first place, that letter is not addressed to the Editor of the RECORD, nor was it written for insertion in these pages. It was, as we have stated, addressed to the Editor of an American newspaper. That gentleman in the

exercise of his discretion has published it, prefixing to it, with commendable fairness, the notice so bitterly complained of by Fr. Byrne. We fail to see what claim Fr. Byrne has upon us to secure for it further publicity by transferring it to the pages of the RECORD. Letters addressed to the Editor of the RECORD will always command our respectful attention. We can give no such undertaking in reference to letters addressed to the Editors of other periodicals, and already published by them.

But lest Fr. Byrne should infer from these remarks that a similar letter, if addressed to the Editor of the RECORD, would, as a matter of course, be inserted by us, it may be well to state the second ground on which we feel called upon to decline inserting his letter to the Editor of the *American Review*. The writer of the notice thus replied to by Fr. Byrne is a priest. We do not raise the question whether Fr. Byrne before writing his letter had adverted to the possibility of this being the case. We merely state that it is so as a matter of fact. And Fr. Byrne's letter, both in its general tone, and in many of the expressions that it contains, is such as we could not consent to publish in these pages, as written by one priest and referring to another.

If, however, Fr. Byrne wishes to write a suitable "vindication" of the passage to which attention has been called, and if he addresses that vindication to the Editor of the RECORD, we can assure him that the writer of the notice is quite prepared not only to justify the observations already published, but to point out that a very large measure of indulgence has been extended in these pages not only to the fourth, but also to the preceding volumes of the "Translation" of Alzog's Church History.—ED. I. E. R.

II.

MASS IN A PRIVATE HOUSE.

Dublin, June 21st, 1882.

DEAR MR. EDITOR,—In the last number of your valuable RECORD, a question, or rather two questions of great practical importance were raised by one of your correspondents.

Under the heading "Mass in a private house," it was asked—

1. Does a person satisfy the obligation of hearing Mass on Sunday by assisting at it in a private house?

2. When a Bishop permits a Priest to say Mass in his own house on a Sunday, or in a private house, . . . may he limit the number of persons who satisfy the obligation of hearing

Mass, so as to include only the immediate friends and domestics? An answer in the affirmative was given to the first of these questions, by a very distinguished Irish Bishop, on the grounds that Ireland has for three centuries enjoyed all the privileges of a Missionary Church, and hence the strict theological rules about hearing Mass do not apply to us. His Lordship declined to express an opinion on the second question, but manifested a desire that others should discuss this important point. Whilst thoroughly agreeing with his Lordship as to the conclusion arrived at regarding the first question, and not wishing to consider the reason of this conclusion, I am of opinion that the correctness of this view may be made to rest on a broader and firmer basis, and one that will furnish a clue to the solution of the second question also. I have been led to understand that the Precept of hearing Mass on Sundays, &c., is quite independent of any special place; and that consequently, in accordance at least with the present discipline of the Church, the obligation it imposes can be fulfilled in any place whatsoever, unless indeed the Roman Pontiff should deem it well to except some individual place. In fact, I have understood the Precept as enjoining an obligation to hear Mass, without any restriction or limitation as to the place in which it should be heard. In support of this view, I shall adduce the authority of a few moral theologians of the very first rank.

S. Alphonsus Liguori, Lib. 3. Tract. 3, De 3^{io} Præcep. Dec. num. 318, says—"Praeceptum audiendæ missæ impletur quocunque in loco; sive in parochiali, aut Cathedrali, sive in regularium ecclesia, sive in oratorii privatis, sive extra ecclesiam audiatur. Ratio est quia ecclesia tantum auditionem missæ præcipit, non autem locum. Ergo quovis loco impletur (Ita Salmant.) cum Lugo. Dic. etc. communiter." And later on he says this doctrine is "satis certa." It is indeed true that in the following number, viz. 319, he adheres to the opinion of those who maintain that persons who are not of the household do not fulfil the Precept by hearing Mass in a private Oratory or Chapel; but at the same time, he takes care to admonish his readers that this is because of the special terms in which such Oratories are granted by the Roman Pontiff.

The Indults granting those privileges are usually couched in some such words as the following:—"Volumus ut qui, non sunt de familia, non censeantur liberi ab obligatione audiendi missam in Ecclesia." S. Alphonsus, after Tamburini and others, interprets the word "volumus" as imposing an obligation "etiam de loco, jubendo ut qui non sunt de familia teneantur audire missam, non jam in parochia, sed in ecclesia publica excluso oratorio privato."

Lacroix, a most respectable authority on all questions touching moral subjects, in his Lib. 3. Part. 1^a, De 3^{io} Præcept., whilst calling the opinion of those who maintain that persons not belonging to the family, do not fulfil their obligation by hearing Mass in private Oratories, *communior, tutior et probabilior*, in No. 629, says of all other places:

“Probabile est satisfieri præcepto, quocunque alio loco etiam profano audiatur missa, v.g. in castris cum militibus, in littore, quando legitur pro navigantibus, licet quis non sit miles. nec de comitatu navigantium, . . . Ratio est, quia quamvis forte restrictio sit de privatis Oratoriis, tamen nulla est de aliis locis : ergo recte stamus Legi communi præcipienti missam, abstrahendo a loco ; gratis autem dicit Pasq. q. 1257. præcipi, ut missa ab omnibus audiatur in Ecclesia vel publico Oratorio ab Ecclesia deputato, non tale præceptum nunc non exstat, sed tantum præceptum missæ, quæ reipsa missa est, quocunque loco fiat.” Those words bearing on the point under consideration are too clear to require even a passing comment. More explicit still is the great probabilist Tamburini, whose opinions are often quoted by S. Alphonsus with very great respect. “Inquires primo, he says in his Tract 1^{us} De 1^o Ecc. Præcep. Cap. iii. ubinam missæ interesse debeo, ut Ecclesiæ præcepto satisfaciam? R. In quacunque Ecclesia, imo, excepta peculiari quadam prohibitione, in quocunque loco ; nam quamvis sacri canones vetent celebrari missam in loco non sacro, posito quod ibi sacrum celebretur : tamen nulla lex requirit, ut in loco sacro audiatur.” He afterwards proposes to himself the following difficulty : “Dices, nonne in capitulo, ut *Dominicis* de Parochis, et alibi ; iidem sacri Canones obligant fideles ad audiendam missam in propria parochia? Resp. Ita quidem erat olim, sed hodie sive ex universali consuetudine, sive ex declaratione Pontificis, abrogata sunt ejusmodi antiqua jura, ita nunc cuilibet integrum fit, ubicumque prædicto præcepto satisfacere.”

Those last words from Tamburini plainly indicate that at one time there was an obligation (which was more or less restricted according to times and circumstances) binding the faithful to hear Mass in their parochial Churches. Of this, Pope Benedict XIV. in his great work *De Synodo Dioecesana*, Lib. xi. Cap. xiv. nn. 7-8, speaks and plainly demonstrates, that the sanctions and constitutions of former ages were abrogated, partially by a universally received and legitimately prescribed custom, and partially by various privileges from time to time granted to religious orders. I might go on quoting other authorities, both Canonists and Theologians, in support of the views thus far advocated ; but from the preceding remarks it would seem sufficiently established that though at one time there was an obligation of hearing Mass on Sundays, &c., in parochial Churches, no such obligation has existed for many ages, and that according to the present discipline of the Church, the Precept may be fulfilled in any place, with the solitary exception of private Oratories, which are generally excepted in the Indults by which they are granted.

What, then, is to be thought on the second point? It would seem a foregone conclusion that a negative answer must be given to it, or that a Bishop who permits a Priest to say Mass in a private house on a Sunday cannot limit the number of those who satisfy the.

obligation of hearing Mass. Pope Benedict XIV. Cap. x. loc. cit. after laying down as certain that the Precept can be fulfilled in any Church, as well as in the Church of Regulars, who enjoy special privileges adds:—"Non posse hodie Episcopum præcipere suis subditis, ut se sistant missæ parochiali, quia non potest delere consuetudinem, quæ cum vigeat in toto orbe, jam induit naturam juris communis." True it is that the Canonist speaks of satisfying the obligation in what he calls "qualibet Ecclesia," but his reasoning applies to any place as well as to a Church. S. Alphonsus too, loc. cit. N. 322. Resp. 2. "Episcopus non potest censuris, mulctis, aliisque poenis cogere ad audiendam missam in parochia. . . . Ratio autem est, quia ut ait Navarre, Episcopus non potest tollere nec restringere jus commune vel generalem totius orbis consuetudinem."

From this the case would seem a clear one: here we have the *Jus Commune* brought about by a custom existing everywhere, and under such circumstances Pope Benedict XIV. and S. Alphonsus tell us, that a Bishop can neither abrogate nor restrict it. The Council of Trent, in its 22nd sess. De sacrificio missæ, advises Bishops to admonish (not compel) the faithful to attend frequently in their parochial Churches, at least on Sundays and other greater festivals of the year.

I shall therefore wind up this letter by saying that it is quite within the range of Episcopal authority to prevent the celebration of the Holy Sacrifice in private houses, but once it is celebrated, whether with or without the consent of the Bishop, the faithful who attend thereat on Sundays and Holidays of obligation, fulfil the requirements of this important Precept. Trusting you will excuse this intrusion on your valuable space,—I am yours,

DUB. SAC.

MAYNOOTH COLLEGE—ADDRESS TO CARDINAL MCCABE.

ON Sunday 25th June, the desired opportunity of presenting an Address of Congratulation to the Cardinal was afforded to the Students, Professors, and Superiors of Maynooth College. His Eminence had been staying in the College during the past week in connection with the general annual ordinations. The presentation of the Address took place in the Great Hall of the Senior Division of the College in the presence of the whole Academic body. At one o'clock His Eminence, who was accompanied on the occasion by the Most Rev. Dr. Gillooly, Bishop of Elphin,

the Most Rev. Dr. Warren, Bishop of Ferns, and the Most Rev. Dr. Lynch, Coadjutor Bishop of Kildare, was received at the entrance to the spacious hall by the Very Rev. Dr. Walsh, President; the Very Rev. Thomas J. Carr, Vice-President; the Rev. Deans Hammond, Brown, Owens, and O'Leary, the Rev. Professors Murray, Macauley, Healy, O'Donnell, M'Donald, Gargan, Lennon, Hackett, Scannell, and O'Rourke; the Rev. Thomas Farrelly, ex-Bursar, and the Rev. Andrew Boylan, Minister. After the warm manifestations of welcome with which His Eminence was greeted by the Students on entering the hall had ceased,

The President ascended the elevated platform on which the Cardinal and Bishops stood, and read the following address:—

MAY IT PLEASE YOUR EMINENCE,—We, the President, Vice-President, Masters, Professors, and Students of St. Patrick's College, Maynooth, with sentiments of profound veneration and respect, most cordially unite in congratulating your Eminence on your elevation to the sacred dignity of Cardinal. To the venerable Pontiff now seated on the throne of Peter we owe a deep debt of gratitude for thus granting to Ireland the honour and privilege of being again represented in the highest councils of the Church. By raising you to this eminent dignity, and thus filling the place but recently vacated by your illustrious predecessor, the Holy Father has given a fresh proof of his special affection for his ever faithful Irish children. The honour conferred on the Church of Ireland in your person is surely nowhere more highly appreciated than in this College, where you were taught to cultivate the gifts and virtues that have rendered you worthy of this exalted rank. Your career in College is still well remembered. Your unaffected piety, your love of study, your exact observance of rule, gave sure promise of those fruitful labours by which your life, as Missionary Priest, Vicar-General, Bishop, and Archbishop, has been so eminently distinguished. The sentiments which it was our happiness to express when you came for the first time to visit us as Archbishop of this diocese we still fondly cherish. The dignity which it has pleased the Holy Father to confer upon you, gives your Eminence new claims to our profound respect and affectionate attachment. We can never be unmindful of the unfailing love for the College and the practical interest in its welfare which you have always manifested. We humbly ask your Eminence to impart to us your benediction, and we fervently pray that the Giver of all good gifts may grant you length of days, and continued strength to labour in the future as you have laboured in the past, with equal zeal and with equal success.

His Eminence the Cardinal Archbishop replied as follows :—

"I cannot command words to thank, as I could wish, the President, Vice-President, Masters, Professors, and Students of this great seat of Ecclesiastical learning, for the warm congratulations with which they receive me to-day. In the eloquent address just read by your distinguished President, I can easily recognise the words of the mother who once cared me within these walls, and from whom I have received great and unbroken kindness—kindness bestowed on me not only during the few happy years I passed under her fostering care, but also through the many years I have fought that battle of life for which she left nothing undone to prepare me. Would to God I could add that my life during these years corresponded with her just expectations. However, as we all know, a mother's lips are ever prone to eloquence when there is question of the son over whom she watched with solicitude in his early years. The tenderness of a mother's heart, and the strength of a mother's affection, often warp the rectitude of a mother's judgment, and incline her to see in her child the qualities and virtues she wished for, but which in many cases are merely the creation of her own strong love. I fear that my dear Alma Mater is to-day an exemplification of what I mean. My own conscience tells me in words too true to be gainsaid, that neither here nor in the sacred ministry have I repaid the care that mother bestowed on me, and that the faults I have not committed, and the position I have been called to, must be accounted for, not by any merits of mine, but by the accidental circumstances in which I found myself—circumstances I had no part in creating. But, whilst truth compels me to make this confession, it does not forbid me to join most cordially in your expressions of gratitude to the Holy Father who has deigned to give to our loved country a voice in his most sacred councils. Indeed, I can appreciate more fully than others, the extent of that favour, when I remember that he was not deterred from conferring it by the absolute unworthiness of its immediate recipient. The love of the Holy Father for Ireland overshadowed the shortcomings of that individual, who, in other circumstances, could never have arrested the attention of one, so holy, so learned, and so wise as the present illustrious Pontiff. In conclusion, permit me to say, that whilst I was wholly unprepared to hear that a single trace of my course through this great College survived the passage of so many years, the remembrance of kindness received within these walls, in happier years, will ever keep the name of Maynooth fresh and sacred in my mind. Its honour shall be always dear to me. Its interests must ever command the service of all my powers, and if through God's mercy I succeed in saving my immortal soul, I must remember throughout eternity that to the teaching of my Alma Mater, and to the bright example of the President, Vice-President, Masters, Professors, and Students of my day, I am indebted, under God, for the possession of heaven's bliss."

The Cardinal's reply was greeted with renewed demonstrations of applause, which ceased only when His Eminence signified his wish to say a few informal words to express his special thanks to the students for the warmth of the reception they had given him. The remarks which followed were full of admiration for the former students, professors, and superiors of Maynooth, and full of affection for the present representatives of the generation amongst whom the Cardinal had lived, when passing as a student through the College. His Eminence spoke with deep feeling of the Holy Father's love for Ireland, to which he had sent through the Cardinal, his paternal blessing. The scene was deeply impressive when at length students, professors, and superiors knelt to receive His Eminence's benediction, which was imparted to all, not without manifest emotion. His Eminence then, accompanied by the bishops, superiors, and professors of the College, retired from the hall amidst the renewed acclamations of the students.

DOCUMENT.

IMPORTANT DECLARATION OF THE CATHOLIC HIERARCHY.

WE desire to preserve a permanent record of the following important Address to the people of Ireland, recently issued by the Bishops assembled in Dublin:—

“In the social crisis through which Ireland is now passing, and which must long and deeply affect moral as well as material interests, you have a right to expect that your Bishops would give you advice and direction, and help to remove those perplexities with which the most enlightened as well as the best disposed are now beset. Pressed by the duty we owe you in this conjuncture, and anxious beyond expression for your temporal as well as for your spiritual welfare, we have considered at our meeting, amongst other subjects, the present condition of our beloved country, and now hasten to communicate to you the result of those deliberations.

“Let us premise that in forming our judgments we have been influenced chiefly by the consideration of your spiritual interests, and have been solely guided by the dictates of conscience and by the ever-just and beneficent law of God. To you, the devoted children of the Catholic Church, enlightened by faith, and obedient to the Divine Precept of seeking first the Kingdom of God and His justice, to you, as to ourselves, it is and must be an undoubted truth that, in all questions, social and political, as well as religious,

the law of God is our supreme and infallible rule; that what is morally wrong cannot be politically right; and that an act which God forbids us to do cannot possibly benefit either ourselves or our country.

"Applying those principles to events every day occurring around us, and to the important questions which now absorb the attention of our people, we see dangers against which we must raise our warning voice, and not a few excesses, which we must deeply lament, and unequivocally condemn.

"It is true that on religious, as well as political grounds, it is the indisputable right of Irishmen to live on their own fertile soil, and be free to employ the resources of their country for their own profit. It is, moreover, the admitted right, and often the duty, of those who suffer oppression, either from individuals or from the State, to seek redress by every lawful means; and to help in obtaining such redress is a noble work of justice and charity. On those grounds it is, that the object of our national movement has had the approval and blessing, not only of your priests and bishops, but of the Sovereign Pontiff himself: and has been applauded in our own and in foreign countries by all men of just and generous minds without distinction of race or creed. It must, however, be well known to you, as indeed it is to the world at large, that in the pursuit of your legitimate aims means have been from time to time employed which are utterly subversive of social order, and opposed to the dictates of justice and charity. It is to those unlawful means we desire to direct your attention, and especially to the following:—

- "1st. Refusing to pay just debts when able to pay them.
- "2nd. Preventing others from paying their just debts.
- "3rd. Injuring the neighbour in his person, his rights, or property.
- "4th. Forcibly resisting the law and those charged with its administration, or inciting others to do so.
- "5th. Forming secret associations for the promotion of the above or other like objects, or obeying the orders of such condemned associations.

"Under each of these heads numerous offences, all more or less criminal, have been committed, fearfully prominent amongst them being the hideous crime of murder, which even at the moment we address you horrifies the public conscience, disgraces our country, and provokes the anger of the Almighty.

"Against all and each of these offences we solemnly protest in the name of God and of His Church; and we declare it to be your duty to regard as the worst enemy of our creed and country the man who would recommend or justify the commission of any one of them. We solemnly appeal to all our flocks, especially to the youth of both sexes, not only to have no connection with Secret Societies, but to condemn and oppose them as being hostile alike to religion and to social freedom and progress.

"Let us now assure you that the National movement, purged from what is criminal and guarded against what leads to crime, shall have our earnest support and that of our clergy.

"A considerable instalment of justice has within the last few years been given to the tenant farmers of Ireland. To them and to other classes of our countrymen, especially to the labouring class, much more is due; and it is your duty and ours to press our claims until they are conceded.

"In every peaceful and just movement of yours the clergy shall be with you, to guide, and if necessary to restrain you; but you must not expect them to do what in conscience they condemn. They cannot be the sowers of hatred and dissension among their flocks—they cannot under any pretext tolerate, much less countenance, lawlessness and disorder. They will work manfully with and for you, but in the light of day, with lawful arms, and for just and laudable objects; and we feel assured that your filial obedience to their instructions and to the admonitions given in this brief address will bring down the Divine blessing on our country, save it from the evils with which it is threatened, and lead it speedily to prosperity and peace.

"Before concluding, we feel it our duty to declare, without in any sense meaning to excuse the crimes and offences we have condemned, that, in our belief, they would never have occurred had not the people been driven to despair by evictions, and the prospect of evictions, for the non-payment of exorbitant rents; and, furthermore, that the continuance of such evictions, justly designated by the Prime Minister of England as sentences of death, must be a fatal permanent provocative to crime, and that it is the duty of all friends of social order, and especially of the Government, to put an end to them as speedily as possible, and at any cost.

"Earnestly beseeching our loving Lord to bestow on you and on your afflicted country the wisdom, piety, and fortitude of His Divine Spirit, and to teach you to prefer the treasures of His grace to all the goods of this earth, we heartily impart to you our pastoral blessing."

✠ EDWARD CARDINAL M'CABE

✠ DANIEL M'GETTIGAN

✠ THOMAS W. CROKE

✠ JOHN MACÉVILLY

✠ WILLIAM DELANEY

✠ FRANCIS KELLY

✠ J. P. LEAHY

✠ JAMES WALSHE

✠ LAURENCE GILLOOLY

✠ MICHAEL FLANNERY

✠ PATRICK DORRIAN

✠ GEORGE BUTLER

✠ NICHOLAS CONATY

✠ THOMAS NULTY

✠ JAMES DONNELLY

✠ JAMES LYNCH

✠ PATRICK DUGGAN

✠ HUGH CONWAY

✠ F. J. M'CORMACK

✠ JAMES RYAN

✠ PATRICK F. MORAN

✠ JOHN POWER

✠ JOHN M'CARTHY

✠ MICHAEL WARREN

✠ WILLIAM FITZGERALD

✠ BARTHOLOMEW WOODLOCK

✠ MICHAEL LOGUE

✠ ANDREW HIGGINS

NOTICES OF BOOKS.

Irish Faith in America. Recollections of a Missionary. Translated from the French by Miss ELLA McMAHON.

Together with devotional volumes, to be noticed presently, we have received from the same publishers two books of a semi-religious character. One is a Christian story, translated from the French by Anna T. Sadlier; the other "*Irish Faith in America*," also from a French original. Reserving the former for review on a future occasion, we hasten to notice the latter, and to thank the gifted translator for the service she has rendered the Irish race in placing before the English-speaking public this testimony of an impartial observer, given at a time when the hereditary foes of the Irish name were using every endeavour to blacken, and if possible extinguish it for ever.

Neither Montalambert, nor Lacordaire, nor Dupanloup, nor Mermillod has said kindlier things of Ireland and Ireland's faith at home and abroad than has this good-hearted Frenchman in the pages before us. We know him not, except by his initials "H. L." but if we knew him, and knowing met him, we should eagerly clasp his hand in friendship's warmest bond, perhaps to the extent of making him painfully conscious he has feeling in his hand as well as in his heart. He extols the Irish faith and virtue, sympathises in the sufferings Irishmen have been compelled to endure, roundly denounces the cruel laws which have made it impossible for the tiller of the soil to live in a land, more highly favoured by the Creator, everything considered, than perhaps any other under the sun, and finally touches the shortcomings of the Irish after such a charitable fashion, that verily, like O'Connell's client, we never before could have dreamt we were so innocent.

With him Ireland wears a triple crown: she is an apostolic, a virgin, and a martyr nation. In the school of adversity, at great sacrifices in the temporal order, she has won for herself glorious spiritual distinction. And this is not all. H. L. maintains it was her persecution at home that sent her abroad with the mission of an Evangelist. She was and is an apostolic because a martyr nation. Quoting O'Connell and Bishop Byrne of Little Rock, he holds with the latter that "Providence keeps Ireland in affliction that the inhabitants may leave the country, and by their dispersion sow the seed of Christianity among distant nations." Then follows a beautiful passage, showing how the English policy of suppressing the Irish Language and banishing the Irish race has been used in the designs of God to effectuate exactly the opposite result to what had been intended. "Then let her go her way, this proud Britannia parading her flag and her ships on all seas; let her carry in her vessels to the four quarters of the globe, to her distant colonies, to the extremity of the two Americas, her opium which brutalizes, her

alcohol which burns the body, her mutilated Bible which kills the soul, her minister of the Holy Gospel, with his wife and children, who establishes trading posts under the protection of a powerful consul, who indulges in commerce and sows heresy: she knows not that she bears with her in the Irish the most powerful antidote to all this! And Ireland is the *missionary people*; her vocation is to propagate the *Catholic Faith*."

Now, this idea of Ireland's apostleship through martyrdom is a very beautiful, and to some extent, a very true theory. But it would be going too far to say that, humanly speaking, Ireland's evangelical office might not have been as efficiently or even more efficiently discharged, had it been her good fortune to remain a free and prosperous country. Then, as now, her surplus population should have gone abroad to America, Australia, &c., and with much better hopes of succeeding as pioneers of the Gospel. Instead of leaving in a state of ignorance, or with a moiety of instruction in matters sacred and profane, enough indeed to enable them to die the death of saints in holy Ireland, but totally insufficient to sustain them amidst the corruption of crowded cities, they would have left armed with a sword and buckler in the shape of religious and secular knowledge which might constitute a powerful defence against every assailant. As a result, there would be at the present day in America fewer bearing Irish names bitterly hostile to the faith with which the name of Ireland is for ever associated. Neither would so many strong men have died of famine at home, or of fever on board the plague-stricken vessel; nor would our exiles have been from poverty compelled to cluster round the coal mines, or in the large cities, leaving the plains of the fertile West to be occupied by the representatives of other nationalities.

But whatever about the past, certain it is that in future for the Celtic race abroad, and for all countries to which Irishmen make their way, it is highly desirable that the Irish at home should be numerous, happy, and educated. A sound heart in a sound body, is what we want to send the streams of life-blood coursing freely in the veins of every member of the Celtic system.

The generosity of Irish faith, the noble faith of Irish servant girls, and the attachment of the Irish to their priests, are favourite themes with the author of this book. Where he speaks of their zeal in defending their faith, and quotes the ever-memorable words of Archbishop Hughes on the occasion of the great anti-Catholic commotion in New York,—“I cannot give you a sword, but I give you a buckler, . . . but if others attack you, fight, suffer, and at need, die, for your faith”—we are forcibly reminded of a similar expression in one of Erckmann-Chatrian's works: “The resigned spirit of honest men is a great misfortune; it inspires scoundrels with courage and does no good whatever.”

So far we have been dealing with a pleasant narrative, and, indeed, the author makes no change to the end, except where he

lightly touches on the "national weakness." Even here he is all charity, and we candidly confess we consider him over-indulgent. The Irish people cannot claim exemption from other failings besides the national one, but H. L. rightly thinks that the enemies of Ireland won't fail to keep that side of the picture sufficiently before the public.

We are now at the end of this charming book, and we conclude with the author, that Ireland is, after all, fortunate in not being a wealth-worshipping nation and that she understands progress right—the kingdom of God first, and everything else afterwards.

May she ever remember that the true measure of her success and progress is the number of souls she sends to heaven.

P. O'D.

The Daily Prayer Book; compiled from various sources.

BURNS & OATES: London, 1882.

Before noticing the volumes which we have received, during the past month, from the Messrs. Benziger Brothers, our attention is arrested by two books—one of Saxon, the other of Irish origin. We desire to say a few words of each, lest we should seem to have overlooked what is worthy of notice nearer home, in our admiration of what is attractive beyond the seas. The *Daily Prayer Book*, published by Messrs. Burns & Oates, and sanctioned by the Archbishop of Westminster, contains many short and useful forms of prayer, and practices of devotion. Amongst the forms given, we are very glad to find the form of *Lay Baptism*. Simple as it is, very many, we fear, are unacquainted with its proper administration, and in time of need are unable to supply what is so essential. No Catholic child should be allowed to grow up without being taught how to administer Lay Baptism in a case of necessity. We know that at least one of our Irish Bishops adopts a very practical means of testing the knowledge of boys and girls on this all-important matter, by getting each child presented for Confirmation actually to go through the ceremony of conferring Lay Baptism. By this means the attention of the children is directed from an early age to the necessity of the Sacrament of Baptism, and a useful stimulus is given for learning accurately how to apply the matter and form of the Sacrament validly. Amongst the prayers we notice, with pleasure, the *Itinerarium*, translated from the Roman Breviary.

Preces Ante et Post Missam. BROWNE & NOLAN.

We are glad that the Very Rev. Translator of the "Ceremonies of Low Mass" has given in a separate form the prayers to be said before and after Mass. The prayers are taken from the Roman Missal, and as such have the highest recommendation. They are neatly printed and in the form of a little book for the convenience of priests

who have to make their preparation or thanksgiving in places where no chart is at hand

It would be as inappropriate as it is unnecessary to say a word in this place of the necessity and importance of suitable preparation for and thanksgiving after Mass.

These important duties can now be discharged by means of this handy little book, not only in chapels where there is no chart, but even in going to, or returning from, the church where Mass is celebrated, if time or opportunity prevent a formal preparation, or thanksgiving, in the place in which the Holy Sacrifice is usually offered.

Works of Catholic Piety. Published by BENZIGER BROTHERS.

We have received from Benziger Brothers, New York, a welcome packet. It contains five beautiful little books of a purely religious character, possessing the qualities most desirable in manuals of devotion. The matter is useful and well-selected, the manner of putting it neat, almost elegant, while the printing fully sustains the good name of this eminent firm of publishers. The value of the volumes is not diminished by the fact of their being translations from French, German, and Italian originals. When the work of translation is well done, such books suffer little in passing from one language into another.

The largest of them is called "Truths of Salvation, by Rev. J. Pergmayer," translated from the German by a Father of the same society.

The "Truths" are intended to supply the matter of meditation for a retreat, and retreatants have reason to be grateful to the author, and his translator. It may be asked can anything be added to the Spiritual Exercises of S. Ignatius, and it is answered, that the good effects derived from meditating on the Great Truths must largely depend on the method of proposing them being suited to the person who is performing the Exercises. Few find time for the full retreat of four weeks, and for the many who do not, it is a great advantage to have the substance, and indeed the whole matter of the Exercises, arranged, as Father Pergmayer arranges it, under meditations for an abridged retreat of eight days. It were useless to go more into detail. Such a book can be appreciated only by performing the Exercises out of it. We may however add, that a priest could have no more serviceable volume to draw on for his morning meditation.

"My First Communion: The Happiest Day of my Life."

Translated from the German of J. N. BUCHMANN, O.S.B.

By Rev. RICHARD BRENNAN, LL.D. Second Edition.

Is a spiritual gem of great value. Everything that one might expect to find under the above title is clearly explained in thirty-three beautiful letters, full of illustrations, well conceived and well

executed. Of the child who carefully reads this little volume may be said with a good deal of certainty, what our Lord said of the worthy partakers of his most Sacred Flesh, "non morietur in æternum."

"*Pearls from the Casket of the Sacred Heart of Jesus.*" A Collection of Letters, Maxims, and Practices of the Blessed Margaret Mary Alacoque, Religious of the Order of the Visitation. Edited by ELEANOR C. DONNELLY.

What devotion has contributed more to soften the hearts of sinners, and enkindle the flames of Divine love, than devotion to the most Sacred Heart of Jesus Christ, ever burning with love for the weary and heavily-burthened? This devotion to the living Heart of Jesus, burning with love, is as old as the Church, but under God its present hold upon the faithful is due to Blessed Margaret Mary, more than to any other. Let those who wish to be consumed with the holy fire, and long to see it kindled in the hearts of others, read.

"*The Souvenir of the Novitiate.*" Translated from the French by Rev. J. TAYLOR.

Though small in appearance contains well nigh three hundred pages, and is replete with information suited to young religious. Indeed its maxims are a life-guide for all who have left the world and devoted themselves to God; and for young people meditating the generous sacrifice of self, a more useful little treatise can scarce be found. Can non-Catholics believe that religious aspire to such high perfection and continue to give ear to the gross calumnies so industriously circulated?

"*Paradise on Earth opened to All; or, A Religious Vocation the Surest Way in Life.*" Translated from the Italian of Rev. ANTONIO NATALE, S.J.

Is a faithful account of the origin, growth, nature and blessings of the religious life, of the practical rules to be followed in settling the question of a divine call, and the means to persevere in one's vocation. Objections to the maxims laid down are fully discussed and neatly answered. The book contains many useful hints for children, for parents, and even for directors.

The merit of those who are instrumental in the publication of such volumes as those we have noticed can scarcely be over-stated. In an age like ours, when all the persuasiveness of brilliant fancy and graceful diction are almost everywhere employed by an infidel press and a spurious philosophy to sap the foundations of Catholic practice, it is refreshing and encouraging in a high degree to find able devoted men use almost the same weapons to frustrate these insensate efforts. A plain exposition of Catholic teaching on matters of faith is in its way a useful thing to put before the faithful in

clear simple language, but of itself it will not suffice to make their devotion lively or their faith practical. What they most require is attractive reading for their devotional and leisure hours, which will bring conviction that the "yoke is sweet and the burthen light." Now the volumes before us are well suited for this purpose, and, as in America the need of souls for such aid must be great beyond what any one who has never been out of Ireland can easily realise, we hail with particular pleasure their publication in the greatest city of the Western Republic.

In our own country for its opportunities, in England, and particularly in France, noble efforts have been made and are still being made to provide the people at the least expense with good manuals of devotion, as well as with pleasant reading of a Christian character for their holidays and vacant hours; but in this as in every other department, America, we believe, will "lick Europe." Of this Ireland at least cannot feel jealous. The Americans are our kith and our kin, our brothers in the faith, and though far off, one week suffices to bring their choicest products to our shore. *Prospere procede alma respublica!*—P. O'D.

Stephanie. By LOUIS VEUILLOT. Translated from the French by Mrs. JOSEPHINE BLACK. Dublin: M. H. Gill & Son.

Mrs. BLACK deserves the thanks of the Catholic community for the important service she has rendered to our light literature. We have often to regret that there is nothing wanted so badly as good, readable books; not silly tales, but natural, and withal, Catholic stories. Surely no one will say we require an impossibility; for, have we not already excellent models in *Fabiola*, *Callista*, and many others? To the goodly list we can now add *Stephanie*.

Louis Veuillot does not need any praise of ours. A long life of fearless Catholic journalism has endeared his name to all devout children of the Church. The Editor of the *Univers* has a special claim on Ireland; for it is not long since his paper contained a series of beautiful articles, denouncing her wrongs and advocating their redress. His literary fame is sufficient guarantee that this little story is worth reading. If anything more were required, it is supplied in the Preface by M. R., initials which Irish Catholics have long since learned to reverence and love. The work of translation is excellently done.

We have received for Review the following Books:—

From MESSRS. GILL & SON—

Essays on various Subjects, chiefly Roman. By Monsignor SOTON, D.D. New York: Catholic Publication Society Co., 1882.

Lectures and Discourses. By the Right Rev. J. L. SPALDING, D.D., Bishop of Peoria. New York: Catholic Publication Society Co., 1882.

"*Sister*" *England and the Irish Cinderella.* By J. B. KILLEN.

From BENZIGER Brothers—

Irish Faith in America: Recollections of a Missionary. Translated from the French. By Miss ELLA McMAHON.

Idols; or the Secret of the Rue Chaussée D'Antin. Translated from the French of Raoul De Navery. By ANNA T. SADLIER.

Elements of Ecclesiastical Law. By Rev. S. B. SMITH, D.D. Fourth Edition. New York: 1881.

The Truths of Salvation.. By Rev. J. PERGMAYER, S.J. Translated from the German, by a Father of the same Society New York: 1882.

My First Communion: the happiest day of my life. Translated from the German of Rev. J. N. BUCHMANN, O.S.B., by Rev. RICHARD BRENNAN, LL.D. Second Edition: New York.

Pearls from the Casket of the Sacred Heart of Jesus: A collection of Letters, Maxims, and Practices of the Blessed Margaret Mary Alacoque. Edited by ELEANOR C. DONNELLY.

Paradise on Earth opened to All; or a Religious Vocation the Surest Way in Life. Translated from the Italian of Rev. ANTONIO NATALE, S.J.

Souvenir of the Noviciate. Translated from the French. By Rev. EDWARD J. TAYLOR.

From MESSRS. BURNS & OATES—

Half-hours with the Saints and Servants of God. By CHARLES KENNY. London: 1882.

The Granville History Readers. No. III. History of England from the Wars of the Roses to the present time. Edited by THOMAS J. LEVESEY. London: 1882.

The Catholic Literary Circular: A Monthly Guide for Catholic Readers. May and June, 1882.

Mercy's Conquest: A play in one Act. By ANNIE ALLEN. London: 1882.

The Daily Prayer Book. Compiled from various sources.

Life of St. Philip Neri, Apostle of Rome. By ALPHONSO CAPECELATRO. Translated by THOMAS ALDER POPE, M.A., of the Oratory. 2 vols.

Life of St. Lewis Bertrand. By Father BERTRAND WILBERFORCE, Illustrated by CYRIL JAMES DAVENPORT.

From the AVE MARIA PRESS, Indiana—

An Essay on Masses for the Dead, and the motives for having them celebrated. By Rev. A. A. LAMBING. Notre Dame, Indiana. 1881.

Hibernia: A Monthly Popular Review. June, 1882.

The Catholic Chronicle. Bay City, Michigan.

THE IRISH ECCLESIASTICAL RECORD.

AUGUST, 1882.

LEAVES FROM THE NOTE BOOKS OF AN OLD
THEOLOGIAN.—No. II.¹

PURGATORY.

THE following paper is in no way controversial. Putting aside therefore the question at issue between Protestants and Catholics as to the existence of a purgatory, I purpose to touch only those points, the consideration of which should fix the attention of all of us more vividly on our own future, and quicken our charitable sympathies for our departed brethren.

2. Every sin committed by us leaves after it in the soul two evil effects—the guilt or stain of sin (“*reatus culpae*,” “*macula peccati*,”) as an offence against God, the debt of punishment (“*reatus poenae*”) due to the divine justice for that guilt. The punishment due to venial sin is temporary, lasting but for a time: the punishment due to mortal sin is eternal, the everlasting torments of hell. When mortal sin is forgiven, the eternal punishment is also forgiven. But it is an article of Catholic faith that, after the remission of the guilt of sin and of this eternal punishment, there may remain a temporary punishment to be suffered, or, in the words of the Council of Trent (sess. 6, ch. 14; sess. 14, ch. 8, can. 12), that God does not “always remit the whole punishment together with the guilt.” That this temporary punishment, especially if due for mortal sin, generally remains, greater or less, is commonly asserted by theologians; and indeed follows very clearly from other points of Catholic doctrine.

¹ See Vol. I., p. 414. (Third Series).

3. This temporary punishment may be wholly, or in part, redeemed and cancelled in this life by pious works, prayer, works of mortification, &c. Until it shall have been entirely cancelled, the soul cannot enter heaven. So, if not cancelled in this life, it must be suffered in the next. And this is purgatory.

4. Purgatory, then, is a place of suffering, in which souls departing in grace pay, before entering heaven, the debt of punishment due for past sins.

5. On the subject of purgatory only two doctrines are solemnly defined as of faith. First, that there is a purgatory in which the debt of temporal punishment due to sin is discharged. Secondly, that the souls detained there are relieved by the suffrages of the faithful, but especially by the holy Sacrifice of the Mass. Besides these two points there are several others of deep interest, on some of which we have absolute certainty, moral certainty, though not the certainty of faith. On others we have a strong probability, on others a simple probability; on others we are left completely in the dark, and cannot form any opinion.

§ 1. *The Position of Purgatory.*

6. According to the common doctrine of theologians, the prison of purgatory is subterraneous, situate somewhere in the bowels of the earth; but in what definite place, whether close to hell, as some theologians hold, or remote from it, is absolutely uncertain. In the ordinary providence of God (*"secundum legem communem,"* St. Thomas), the souls, in going through their term of expiation, are confined to this prison. It is not, however, very improbable, at least it is a perfectly free opinion, that by a special ordinance of God, for special reasons known to Him, some souls undergo their purgatory in certain places on the earth.

§ 2. *The Pains of Purgatory.*

7. These pains, like the pains of hell, are two-fold—the pain of sense (*"poena sensus"*) and the pain of loss (*"poena damni"*). That the souls in purgatory, as in hell, suffer the torture of real and material fire, though controverted by the Greeks in the Council of Florence, has been always the firm and unanimous doctrine of our theologians. This doctrine, though not defined as of faith, is nevertheless absolutely certain. The denial of it, I have no doubt, would merit at least the theological censure of *"temerity."*

8. The pain of loss arises from two sources, two priva-

tions of supreme felicity. The first privation is that of the joys of heaven, especially of the beatific vision, which constitutes the essential happiness, *the* happiness, of that realm of bliss. All theologians hold that in the damned this pain of loss is greater than the pain of sense ("praecipua miseria damnatorum," St. Thomas). Though this, as regards the souls in purgatory, is by no means certain, yet their pain of loss is unspeakably excruciating. It is immensely more so than any such pain that can be felt in this life, felt even by souls most holy and most ardently united to God and most longing "to be dissolved and to be with Christ." This in the present life, caged as we are in our prison-house of clay, we cannot comprehend, we cannot realise to ourselves. The soul sees now only through sense, "in a dark manner;" disembodied, it sees things of the spiritual order as they are.

9. The second pain of loss arises from a consideration of wasted time, of merits irrecoverably lost; from a consideration of the innumerable and daily occasions, on which, without trouble and almost without effort, works of merit might have been performed—works, that is, producing in the soul a constant increase of sanctifying grace and a constant right to an ever-growing additional glory and beatitude in heaven, lasting for all eternity—a short prayer, a silent aspiration, a little alms, a slight mortification (see below, n. 29, 30.) But the times without number, in which these easy things might have been done, were thoughtlessly and carelessly allowed to pass away, and the golden fruits that might have been garnered from them lost for ever more. Suarez, with great probability, holds that this pain of loss is the more galling of the two. The former loss will soon be repaired, and the reparation will last eternal, ever fresh and new; but this loss is irreparable, will never be repaired.

10. Lessius ("most learned," as S. Alphonsus justly calls him) holds as very probable that not all the souls, who after death are for a time detained from the beatific vision, suffer also the punishment of fire. This may be well supposed of saints afterwards canonised by the Church, and of others who, after leading very holy lives, have no fully deliberate venial sins to atone for, but only a few of those venial imperfections, from which, according to defined doctrine, even the holiest are not altogether exempt. Private revelations to this effect are quoted by theologians. A very remarkable one is recorded in the beautiful life of

St. Mary Magdalen de Pazzis (F. Faber's Oratorian Lives), page 119.

11. There is a moot question, which I leave untouched, as to the comparative severity of certain purgatorial pains and the pains of this life. But all theologians are agreed that the smallest pains in purgatory of both sense and loss combined are severer than the severest pain we are capable of suffering in the flesh.

12. It is the common opinion of theologians, after St. Thomas, and a most consoling opinion it is, that the souls in purgatory are not, like those in hell, tortured by devils; that the spirits of evil are not permitted to enter that abode, which, though an abode of exquisite suffering, is also the dwelling-place only of those who are perfectly pure and sinless, who love God with an intense and enduring love, and will so love him for all eternity.

§ 3. *Duration of the Pains of Purgatory.*

13. The following propositions are certain. 1° After the last judgment purgatory shall cease to exist. 2° No soul is ever released from purgatory until it shall have paid "the last farthing;" until it shall have fully satisfied the requirement of divine justice, either by its own suffering or through the intercession and suffrages of others (as below, § 5). 3° Every soul, on the instant in which this debt is thus fully paid, passes at once into the enjoyment of heaven. 4° The period of suffering is not the same for all: for some it is longer, for others shorter. 5° Many souls have, before the day of general judgment, fully paid their debt, and are transferred to heaven.

14. Beyond these points nothing is certain. Some souls *may* suffer there for years, some for generations, some for centuries. What may be conjectured, what may be considered as more or less probable in this or that particular case, for example, in the case of one who has led a very holy and mortified life, and died a very holy death, it were idle to speculate. Only on the saints formally canonized by the Church, or worshipped by the Church, have we an infallible certainty that they are in heaven.

§ 4. *The Spiritual State of the Souls in Purgatory.*

15. The following propositions are certain. 1° The souls in purgatory are so perfectly confirmed in grace that they are incapable of sinning. They cannot commit even the least venial sin. 2° On the other hand, as the time for

meriting terminates with this life, they can no longer merit. 3° They have an absolute and unclouded certainty of their own salvation. 4° They exercise acts of Christian virtue, especially of charity. 5° Their wills are always perfectly conformed to the will of God.

16. In reference to this last proposition, it is true that these souls ardently long for the day of their deliverance. But it is an ardent longing, accompanied with an ardent love and entire resignation. Even in this life a man may most earnestly desire a deliverance from some painful illness or some heavy calamity, and even pray fervently for such deliverance, and yet be quite resigned to God's will, and bear his sufferings not only with Christian patience but even, as the martyrs did, with joy.

17. Owing perhaps to some expressions, not however so decided, of St. Thomas, several theologians held that the souls in purgatory do not pray for us, and that consequently we should not pray to them. Other theologians, however, have adopted the opposite view. Suarez affirms that practically he has no doubt of the propriety and utility of praying to them. Of the modern theologians who have touched on this question, and whom I had the means of consulting, all are unanimous in favour of this opinion. The theological argument for it is strong.

18. But, whatever may be said on this matter, one thing I hold is absolutely certain. The souls after entering heaven will pray specially and with special fervour for those who by pious suffrages had relieved them in the day of their suffering. And this brings me to the last and perhaps most interesting consideration connected with the subject of the present paper.

§ 5. *Suffrages for the Souls in Purgatory.*

19. The suffrages or aids from which these souls obtain relief are of four kinds: 1° the Sacrifice of the Mass; 2° prayer; 3° all other works of satisfaction; 4° Indulgences. Of these, the first is the most powerful and efficacious.

20. For some it may be useful to remark here that all works performed by us in a state of grace, proceeding from grace, and being in the nature of prayers of petition, have a threefold effect. Take, for example, the Lord's Prayer. Offering up this prayer I, first of all, receive actual grace, that is, divine aid, enabling me to perform either good works in general or particular good works for the performance of which I specially pray, *e.g.*, for making an act of

contrition, for overcoming a present or future temptation. Such grace I obtain by the prayer (as *impetratory*), as a prayer, as a petition, according to the promise ("ask and you shall receive") repeated in the Scripture so often and in so many forms. Secondly, I receive an increase of *merit*, that is, as stated above, an additional sanctifying grace here, and, if I die in grace, an additional glory in heaven. Thirdly, the prayer is a work of *satisfaction*, that is, I obtain a diminution of the temporal punishment due, in this life or in purgatory, for my past forgiven sins.

21. Now, these three effects are distinct each from the others, and quite independent of each other. Thus the prayer is meritorious all the same, and just as much as if it had no effect of impetration or satisfaction. But this is so only in the just. A person in a state of sin cannot perform a work either of merit or satisfaction; by fervent prayer, however, he can obtain, and obtain infallibly, the grace of repentance. His prayer, therefore, has, so far, the first effect, but not the second or third. The prayer of the just man has all three, and always has them.

22. Having premised thus much, I proceed to state what I consider to be useful for the simple faithful to know—passing over certain scholastic points more suited to the attention of the theological student, for whom I am not writing.

23. 1st. Not only works in themselves, and in their own nature painful, such as fasting, but all works performed in a state of grace, and from grace, are works of satisfaction. That is, every work of this kind done by me, diminishes the amount of temporal punishment due by me. Some or many of these works may be in themselves agreeable and pleasing: for example, psalmody; but as supernatural works—as works done, not as an agreeable exercise, not to gratify one's self or others, but as devotional acts, as a duty—there is pulling against them the heavy drag of fallen nature, which only grace can overcome. There is a similar distinction between acts of purely natural order. A work which, performed of our own choice, is highly agreeable and even delightful, done under command becomes a burden.

24. 2nd. All such works, as expiatory, as works of satisfaction, may be applied with effect, not only to the souls in purgatory, but also to the living. I can offer up such works for the diminution of the temporal punishment due for the pardoned sins of any one. Examples of such vicarious atonement are found in the lives of the saints.

25. But 3rd, in doing so, I deprive myself of all the expiatory fruit thus transferred. 4th. I retain, however, the full merit of the same work. This, indeed, I cannot transfer to another; the increase of habitual grace and of future glory, due to a meritorious work, is given all and exclusively to him who does the work. Nay, the meritorious fruit of the work, whose expiatory fruit has been thus transferred, is thereby augmented; such transfer being a work of exalted charity. So that he who thus applies his work of satisfaction, though not gaining an abridgment of his own purgatorial suffering, yet wins for himself a higher place in heaven. That is, for a temporary suffering, he gains a reward to be enjoyed for eternity.

26. 5th. Prayer has been mentioned as a distinct suffrage; because, while, like other good works done in grace, it has its expiatory effect, it has also its effect as prayer, its impetratory effect. Thus, when we pray for the dead, offering for them all the fruits of our prayers, we gain for them a twofold relief; one by our prayer as prayer; the other by our prayer as expiatory.

27. 6th. It seems to be the unanimous and quite certain doctrine of theologians, that suffrages offered for us while living, especially for ourselves by ourselves, are of far greater benefit to us in the way of satisfaction than the same offered for us after our death. Some grave authorities speak of the different effects of these two suffrages as immense, indeed quite startling.

28. Other interesting questions on this subject are discussed by our theologians. I shall, however, close here with one practical remark.

29. Every work, even the smallest, done with the conditions required for merit, has its reward. What act of ours can, as an act of charity, appear smaller than giving a cup of water? Yet "whosoever shall give you a drink, a cup of water in my name, because you belong to Christ: Amen, I say to you, he shall not lose his reward." (*Mark ix. 40.*) All such works are, as has been said, expiatory as well as meritorious. Now, all the indulgences contained in that wonderful treasure, the *Raccolta*, are applicable to the souls in purgatory. Several, very many indeed, of these indulgences are attached to short prayers, some of which may be recited in a minute; some in a few seconds. I will give a few examples, as they lie in the American translation, published by the Jesuit College of Woodstock in 1880; this translation having been expressly "authorised

and approved by the Sacred Congregation of Holy Indulgences."

30. Every time the sign of the cross is made with the invocation, "In the name of the Father, and of the Son, and of the Holy Ghost," an indulgence of 50 days. Every time the same sign is made with holy water and the same invocation, 100 days (n. 5). Every time the ejaculation, "My Jesus, mercy," is said, 100 days (n. 29). Every time we say the ejaculation, "Jesus, my God, I love Thee above all things," 50 days (n. 31). For saying the ejaculation, "Jesus, meek and humble of heart, make my heart like unto Thine," 300 days, once a day (n. 85). For every time we say the prayer of St. Bernard, "Memorare," &c., 300 days (n. 98). The same for every time we say the ejaculation, "Sweet heart of Mary, be my salvation." (n. 112.) Let these examples suffice.

P. MURRAY.

STUDIES ON ENGLISH LITERATURE.

THE ELIZABETHAN PERIOD.—V.

MIRACLE PLAYS.

IN the literature of every nation, as well in ancient as in modern times, the Drama has exercised an influence which can scarcely be over estimated. It is at once a witness to the intellectual position of its writers, and as an outcome, to the education of its people; on the one hand showing what it can do, and on the other how it does it. It enables us alike to gauge the condition of both classes, the teachers and taught, and so to judge aright the mental development of the nation itself. It is for this reason that we have dwelt at such length on dramatic literature in our previous papers, and have selected Shakespeare and Ben Jonson as our studies, that in them, and in their writings, we may see the high standard to which literature attained in the Elizabethan period. We must not, however, forget that they and those authors who take place if not beside, yet still not far below them, do not represent every phase in dramatic literature, and were not in their day any more than such are in ours, the sole instructors of

the people by means of theatrical representations. There will always be a popular literature in every department, far below the highest, which owes indeed much of its success to that very inferiority; being more readily within the grasp of uneducated minds, and finding recognition in less refined natures through having so much in common with them. Minds have to be educated for high literature just as eyes have for high art. A Teniers will be more popular than a Lionardo da Vinci, a Dickens than a Thackeray. Each of course may be good in his way, and be remarkable after his own kind; but we must be careful not to judge them solely by the number of their followers, without taking account of the value of the judgments which pronounce in their favour.

Again, it may help us towards a right appreciation of the intellectual and moral triumphs of our great Dramatists, if we consider the dramatic literature which preceded, and which indeed remained also contemporaneous with them. The lofty oaks and towering cedars do not need the lowly bramble to point their greatness, yet the eye fails not to profit by the contrast thus afforded; while art imitates nature in these means of comparison by contrast, and raises its great ones still higher by judicious contrast with what is beneath. We propose, then, in our present study, to dwell upon a quaint class of dramatic literature, which is the humble beginning out of which such great things grew; which we shall find not only interesting and curious, but fraught with charms for Catholic minds which we too often miss from works of higher literary merit.

Miracle Plays, as they are generally called, are simple dramatic representations of events recorded in Scripture. They can be traced back to the earliest Christian times, for we find S. Gregory Nazianzen constructing one upon the Passion, and how recent their performance is every one who has heard of the Oberammergau representations can bear witness. S. Gregory's play, at Constantinople, and others of a like character, in the fourth century, were doubtless (as Voltaire says), "*Pour les opposer aux ouvrages dramatiques des anciens Grecs et des anciens Romains*," and such may have been the design of subsequent writers; but beyond this they were intended, like the small pictures with which S. Carlo Borromeo filled the large windows of the Cathedral of Milan, to instruct the unlettered people in the Bible history, and to bring home to their simple minds the truths of the

faith. This will account for the circumstance, which otherwise would be difficult to explain, why clerics took part in such performances, not only as authors and superintendents, but sometimes as performers, though this last statement is built upon such slight foundation as the expression of Bishop Grossetete, of Lincoln (A.D. 1225), who says, the plays were *contrové par les fols clerics*, which is supposed to imply that they were played by them in disguise.

The English Miracle Plays to which we intend confining our notice, were certainly played by laymen. Those in London (as Stowe tells us in his Chronicle), by the Guild of Parish Clerks (who of course are not to be confounded with clergymen), while elsewhere they were played by other guilds or trades. Doubtless, the clergy wrote most, if not all, the plays; but they left the acting of them, at least in comparatively recent times, to the laity.

The Dramas, as we should expect, were of different orders of merit; while the earlier were little, if anything more, than the Scripture narration broken into dialogue, the latter show greater dramatic conception, and are evidently leading on, through the Moralities or allegorical plays that follow them, to the regular Drama, which culminated in Shakespeare. It is generally considered that the establishment of the Feast of *Corpus Christi*, in 1264, led to the composition of most of the Miracle Plays that are still preserved; for the custom at once arose of celebrating that festival by such dramatic performances. Then collections began to be made, and put into chronological order: for the shortness of each Drama necessitated the performance of several in succession, that the entertainment might be spread out to a sufficient length to occupy a large portion of the annual dramatic holiday.

The stage arrangements were simple enough, according to modern ideas, though in truth not much more primitive than those which sufficed for the plays of Shakespeare himself. They differed principally in this, that as they were to be peripatetic, like the classic cart of Thespis, they were usually more limited in extent, and adapted for the required passing from street to street. Archdeacon Rogers describes them as they were in the times of Elizabeth. The stage was a scaffold of two storeys; in the lower the performers dressed for their characters, and in the upper one they acted, ascending by a ladder, and this was uncovered so that all spectators might see, whether in the open street, or on temporary scaffolding, or on the house-tops. Some-

times a more elaborate construction was required, and then the lower room represented Hell, as a stage direction tells us: *Here enters the Prince of the Devils in a stage, with hell underneath the stage.* Sometimes another storey crowned the rude edifice, and from it angels descended to the principal stage below. Still more elaborate were other constructions, where several houses were required, with a central space in the midst, upon which would come rude figures of ships, or real horses. But this of course was the exception, and would ill accord with the perambulating nature of the general entertainment: for perambulating it usually was. First they played before the grave Bishop in front of his Cathedral, they then wheeled off to the Mansion House for the right worshipful the Mayor's delectation, then when the brief play was over, rolling on again, we may be sure with no little help and encouraging shouts from the children of the city, to a comparatively broad street, where a wealthy and generous merchant had erected lofty and broad seats, at his own cost, for the accommodation of his family and friends; and ever at every station, the blunt out-spoken people were present in their numbers to share with their betters the pleasure and instruction of the scene, which, for their special delight, was not unfrequently spiced with humour and fun, which kept them in attendance upon more serious teaching that, without such expectation, might have sent them wandering from a church, which had no doors, and a theatre which for them was seatless. There was of course in this somewhat of that wisdom of the serpent, which St. Philip Neri employed and still employs in a more refined manner, where the Roman Oratory wins the wanderers to its Sermons, by interspersing the brief teachings with vocal and instrumental music, that keeps in their places those who might without it quickly depart.

When the short mystery is played out, the audience still remains. The stage is dragged on to a distant station, and thus space is left for another which speedily arrives, with new actors and a new play; a second mystery is then performed, to be in due course succeeded by a third complete set of stage, actors, and story. Thus each company moves through every station, and so, on each favoured spot, the whole series of dramas is represented in due chronological order. With the first mystery comes what we may call the living programme; and at the end of the

fifth of the Chester Series, the notice of conclusion is thus given :—

“ Now, worthy sirs, both great and small,
 You have we show'd this story before,
 And if it be pleasing to you all,
 To-morrow next you shall have more.”

This was the close of the Old Testament Mysteries, those of the New were to follow day by day, till the whole thirty or forty were presented.

There are three principal collections of these plays, in addition to sundry odd numbers found elsewhere. They are called respectively the Coventry, the Chester, and the Widkirk or Townley Mysteries. The first (*Ludus Coventriæ*) was edited by Mr. Halliwell in 1841 for the Shakespeare Society; the Chester, by Mr. Markham, which we have not been able to see; and the Widkirk,¹ in the possession of the Townley family, was edited by Mr. Hunter, for the Surtees Society. Thus none of them are published, but only privately printed. Mr. Payne Collier, in his *History of Dramatic Poetry*, has very diligently compared these three collections together, and marks whatever difference of treatment there may be in dealing with nearly the same subjects.

The Coventry collection contains a prologue, seven plays from the Old Testament, and thirty-five from the New. The manuscript is as old at least as the time of Henry VII. The Widkirk volume has thirty plays—seven from the Old Testament, and twenty-three from the New. It is an older manuscript than the Coventry, being written about the time of Henry VI. The Chester collection contains twenty-four plays—five from the Old Testament, sixteen from the New, and three others on Ezekiel, Anti-Christ, and the Last Judgment; it was written about 1600, but these dates refer only to the copies thus preserved: the originals belong of course to a far earlier period.

There is a curious manuscript note on one of the copies of this last collection, preserved in the British Museum, which throws some light, not only upon this question of date, but opens up and helps to solve another which has misled several commentators. “ Higden circa 1370, was thrice at Rome before he could obtain leave of the Pope to have them in the English tongue.” Now to Higden the author-

¹ There never was such a place as *Widkirk*, but there was an Augustinian house at *Woodkirk*, near Wakefield.

ship of these mysteries had been assigned, but in error; seeing that they had been played in 1268, half a century at least before his birth. But for what purpose was this application made to Rome and from what language did Higden himself translate them? Evidently from Latin, says Walton;¹ or to quote his words, "a presumptive proof arises from this fact that all our mysteries before that period were in Latin." Hone,² following in his misguiding footsteps, ponders upon what could occasion the author (as he erroneously calls him) taking these three journeys to Rome to obtain this permission of translation. He evidently "smells a rat." "The *subjects*" (the italics are his own) "of these plays from the Old and New Testament seem to me to supply the reasons for the difficulty in obtaining the Pope's consent." "Scripture in English," he goes on to reason, "had been scrupulously withheld from the people, and the Pope probably anticipated that if they were made acquainted with a portion of it, the remainder would be demanded; while the author of the plays, better acquainted than the Pope with the more immediate difficulty of altogether repressing the curiosity that had been excited towards it, conceived, perhaps, that the growing desire might be delayed by distorted and confusing representations of certain portions." There is a fine Popish plot for you! The Pope wanting to keep the Scriptures from the English people, and the wily Higden planning to mislead and disgust them in their holy aspirations by distorting and corrupting the word of God! So pleased indeed is this author with his discovery, that he adds an equally learned and veracious note upon the ignorance of the clergy in things general, and in the knowledge of Scripture in particular. It never seems to have occurred to these writers that if the Miracle Plays were in Latin the people would not understand them, and so the humorous dialogues, to say nothing of the serious parts, would be altogether lost upon them, as jokes and witticism in a strange tongue must ever be. But when a popular writer has to have a fling at Catholics, and especially at mediæval priests, he has as little thought of reason as of propriety.

Now let us see what is the simple blunder upon which all this superstructure of folly and misrepresentation has been raised.

¹ Warton's History of English Poetry.

² Ancient Mysteries described by William Hone, p. 201.

Collier shows clearly enough that the translation was not from Latin at all, but from French; the superseding of which language by the native English was a work to which in every form Higden especially devoted himself. Like many of his countrymen, this Benedictine Monk of Chester was wearied with the enforced use of what was in truth a foreign tongue, and indignant at the degraded condition to which the English language had been reduced. In his *Poly-chronicon* (bk. i. cap. 59), he says in language whose quaintness we will not injure by any modernizing of its spelling: "*This apayring of the birthe tonge is by cause of tweyne thinges, oon is for children in scole, azens the usage and manner of alle other nacions, beth compelled for to leve her owne langage, and forth constrewe her lessonns, and her thinges in Fransche, and haveth siththe the Normans come first into England. Also gentil mennes children beth ytautz for to speke Fransche from the tyme that thei beth rokked in her cradel, and cunneth speke, and play with a childes brooche. And uplondish men wole likne hemself to gentilmen, and fondeth with grete bisynesse for to speke Fransche for to be the more ytold of.*"

In 1333 Higden gained his end, and the Mysteries were played in English: but more than this he gained, for in 1363 Edward III. first decreed that "pleas in the courts of the King or of any other lord, shall be pleaded and judged in the English tongue," and from that day forth the Norman tongue passed away and Englishmen spoke their own language. Thus passes away also the wonderful Popish plot, but only, it is to be feared, to be revived when any redoubtable champion has to furbish up rusty arms for an assault upon the Pope, and to prove by such like tales that the Bible belongs of right to Protestants.¹

But the charge of "distorting and confusing" certain portions of the Scripture leads us to another characteristic

¹ An amusing illustration of the blunders into which violent writers fall, when the Catholic Church and the doings of Papists come in their way, is given by Stephen Gossen, who in 1579 set himself with indiscreet zeal against plays and players of all kinds. This learned pundit informs us in his "*School of Abuse*, containing a pleasant invective against Poets, Pipers, Players, Jesters, and such like Caterpillars of a Commonwealth," with courageous defiance of chronology, that Gregory Nazianzen wrote his pieces because "detesting the corruptions of Corpus Christi plays, that were set out by the Papists, and inveighing against them, he thought it better to write the '*Passion of Christ*' in numbers himself." Far-seeing Father of the Church, who in the fourth century inveighed against the doings of the thirteenth, and detested by that long anticipation, the Miracle Plays which in the sixteenth awoke the sympathetic ire of Stephen Gossen!

of these mysteries, which deserves a passing notice. Hone has shown clearly enough by parallel passages that the first seven of the Coventry Mysteries relating to the history of our Blessed Lady, are founded upon the apocryphal gospels. These were popular legends, well-known to the people, and as they give what may be called local colour through domestic incidents to the Scripture narrative, the author of the plays did not scruple to use them as illustrations and allusions which the least educated could understand. They might have been regarded as a kind of meditation upon the truths they exemplified, and as such, were an expansion and application of the truth, what we might now call a preparation of place and an imaginary picture to bring home more vividly the lesson implied.

Be this as it may, we must remember that these Miracle Plays were not intended as literal Scripture narratives, chapters as it were from the Word of God. They were dramatic representations, and as such were free to be coloured, enlarged, and enlivened as any other subject when dramatized. The simplest and most unlettered spectator would not take all for Gospel, nor could he be expected so to do; as well might he regard thus seriously the accustomed strife of tongues between Noah and his wife, or the broad farce of the roguish shepherd who steals a sheep out of the fold and tries to conceal it in bed, as a child; which venerable joke, so dear to mediæval story tellers, precedes and introduces the announcement of the birth of Christ to the Shepherds of Bethlehem. Some margin must always be allowed to a dramatist; even in these days purism has not gone to such an extent as to forbid the introduction of unhistoric characters into historic plays and pictures; while scenes and incidents which are purely imaginary are allowed without scruple to illustrate and depict characters of renown, when they by so doing make our images of the persons more real and true. In simpler times the materials at hand had to be used in a corresponding simpler way. The audience, if not learned, was at least appreciative, and could understand development of character, would laugh in the right place, and be duly serious when corresponding feelings were set plainly before them. The language addressed to them of course was plain enough, but quite to the point and indeed met difficulties in a dramatic way, which modern play-writers have not ventured to follow.

The out-door audience standing in a crowd would very likely be noisy at the commencement of the play, and like

their betters in the present day, who come in late and disturb others in their places, make the opening scene generally little better than dumb show. The Widkirk dramatist meets the difficulty, not as now by sending on a few unimportant characters to fill up the unquiet time, but by employing no less a personage than Augustus Cæsar to begin a long speech with these emphatic and very significant words—

“Be still, besiyis, I command you
That no man speak a word here now
But I myself alone.
And if you do, I make a vow
This brand about your necks shall bow
Therefore be still as stone.”

And much more to a like purpose, which doubtless had its effect. But not only in blunt and quaint talk did their plays excel; they had their poetic and imaginative side, which deserves to be briefly touched upon. Let us take, almost at random, the scene between Abraham and Isaac, when the father is about to offer up in sacrifice his only son, in whom was the promise. In the Widkirk mystery Abraham exclaims:—

“What water shotes in both myn eeyn?
I were lever than all worldly win
That I had found him once unkynde,
But no defawt I found him in,
I would be dede for him or pynde,
To slo hym thus I thynk grete syn.”

The Chester play does not venture upon so natural a burst of feeling, but makes Abraham more far-seeing and fuller of faith—

Isaac. “If I have trespassed in any degree
With a yard you may beatè
Put up your sword, if you willè
For I am but a childe.”

Abraham. “Oh! my dear sonne, I am sorye
To do to thee this greate anoye,
God’s commandment do must I,
His works are aye full mylde.”

The rhyme of these two speeches is curious and very effective, the father following as it were, every inflection of the child. The lines that follow are very natural—

Isaac. “Would God my mother were here with me,
She would kneel down upon her knee
Praying you, father, if it might be,
For to save my life.”

So the scene proceeds. Isaac expressing his readiness to submit to the will of God, and reminding Abraham that he has other sons at home whom he may love. Abraham wrings his hands and declares himself almost out of his senses with grief. Isaac on his knees asks his father's blessing, and requests him to bind his eyes that he may not see the sword which is raised to strike him. Abraham entreats him not to add to his agony, and calls on Christ to have pity upon him. The stage direction then is, "Here let Abraham make a sign as though he would slay and cut off his head with his sword; then let the angel come and take the sword by the end and stay it."

HENRY BEDFORD.

MODERN ERRONEOUS SYSTEMS OF BIBLICAL INTERPRETATION.

PART III.: THE RATIONAL AND PIETISTIC SYSTEMS— (CONTINUED).

PASSING from the consideration of the use of private judgment in revelation in general, to the examination of its exercise in Biblical Interpretation according to the Rational System, it is directly opposed to the teaching of St. Peter, who says: "No prophecy of Scripture is made by private interpretation" (2 *Ep.*, c. 1, v. 20). It is opposed to the wisdom of the Divine Legislator as we have seen. It is opposed to the goodness and mercy of Him, who wishes all to be saved and come to the knowledge of the truth, which, as I have shown in the general argument, would be impossible for the vast majority even of Christians if He established the Bible alone according to private interpretation, as the rule of faith and guide to salvation.

But *now* at least, when the masses are educated and able to read the Bible, when Bibles may be had for little or nothing, when the spirit of private inquiry is at fever height, may not private interpretation of Sacred Scripture be followed as a safe guide? The reply is simple. It was not the rule in the Apostolic times—it was not the rule for many centuries afterwards as we have shown. Therefore our Blessed Lord must have introduced a change. When? where? and by whom? These are questions which our adversaries should answer, and have never answered. Until

some authentic record of such a change in the constitution of His Church be produced, no alteration of circumstances can disturb the prescriptive right of the Church in the interpretation of Scripture.

Again, prescind^g altogether from this reply, there is an intrinsic impediment, that ought to prevent reasonable persons, even in the present favourable circumstances, from subscribing to the system of private judgment.

To maintain such a system with any consistency, it seems necessary to hold with Luther, that the sense of Scripture in matters of faith and morals is plain and evident. It is not easy to see on what grounds the Puseyites and some advanced sections of the Anglican Church admit the obscurity of Scripture even on doctrinal and moral points, and still cling to the system of private interpretation. But is the sense of Scripture clear? St. Peter in (2 *Ep.* c. 3, v. 16) speaking of St. Paul's Epistles says, that they contain "certain things *hard to be understood*, which the unlearned and unstable wrest, as *they do also the other Scriptures*, to their own destruction." "Thinkest thou," said Philip to Queen Candace's eunuch, "that thou understandest what thou readest?" Who said, "and how can I, unless some man show me." (*Acts* viii. v. 30, &c.)

Hear St. Augustine, "There are more things in Scripture, that I am ignorant of, than those that I know" (*Ep.* to Januarius). Listen to St. Vincent of Lerins in his celebrated commonitorium—"It is asked, as the Scripture is perfect, what need is there of the authority of the Church doctrine? The reason is, because the Scripture, being *so profoundly deep*, is not understood by all persons in the same sense, but different persons explain it in different ways; so that there are almost as many meanings as there are readers of it. Novatian interprets it in one sense, Photinus in another, Arius &c., in another." History repeats itself, and the outcome of rebellion against the Church is generally the same, as we shall see later on.

Many causes concur to render the sense of Scripture obscure and difficult. *The form*, by which I mean the language and style in which it was written, presents one series of difficulties. The Hebrew, in which for the most part the Old Testament was written, was a dead language some centuries before Christ, and has few features in common with our modern languages; and the Greek of the New Testament shows a strong affinity with the Hebrew and Chaldaic. Nor do versions remove this source of obscurity, as they, the more faithful they are, retain the

idioms and obscurities of the original tongue. The style increases the difficulty—it is varied and different in the several books: at one time involved, at another simple—now abrupt, again easy and flowing,—here sublime, bold and poetic,—there familiar and historic.

The *matter* or argument of Holy Scripture presents another set of difficulties, and these still greater to account for its obscurity. In the *Dogmatic* parts, many doctrinal truths surpassing the comprehension of reason are proposed, and generally without any system or logical sequence; here in a plain literal clothing, there under a metaphorical or symbolical garb: in one place general laws of morals are laid down, in another, and quite different place, the limitations and exceptions; hence the necessity arises for careful comparisons to establish the concordance between apparently contradictory statements. Nor is the *Historic* portion free from obscurity. The greater part of it is so ancient, that no light can be thrown on it by contemporaneous history. It was written fifteen centuries before the birth of Christ that is, ten centuries before Herodotus the parent of Greek history, or Confucius the annalist of the Chinese, or the Indian Vedas, or Persian Zend-Avesta flourished, and still longer before the time of Polybius, Diodorus, Thucydides, Livy, and the other historians of the Greek and Roman Empires. Add to this the many changes, topographical and social, which have come over the land of Palestine since the events related in the Sacred Scripture occurred. The *Prophetic places* are the most obscure and difficult of all, both because they treat of future events; and in a manner altogether different from the ordinary laws of thinking and speaking.

“By their fruits you shall know them.” (*Matt. c. 7, v. 20*).

These fruits were completely in accord with the intrinsic absurdity of the system itself. They may be summed up in a few words,—endless variety of doctrine, multiplication of sects, glaring contradictions, impiety, mutual intolerance and persecution in the religious order: tumults, rebellion and anarchy in the social order. Let us take a few proofs out of the vast store of authentic facts, contained in that most valuable work “*Milner’s End of Religious Controversy*.”

Luther set up his tribunal of *private judgment* in the year 1520—his disciples almost immediately acting on his principle began to reform his Reformation. Carlstadt, Arch-deacon of Wittenberg, and his first disciple of distinction,

declared against him the following year. Luther challenged him to write a book against the Real Presence, in which the difference arose between them; the latter replied by wishing him a *broken neck*, to which the former retorted "May I see thee broken on a wheel." Blessed system that had such parents! happy church that had such reformers! Soon after Zwinglius began to preach in Switzerland doctrines different from those of Luther; forthwith Luther, notwithstanding his pet principle of private judgment, called him a pagan, and said he despaired of his salvation. Oecolampadius, an ex-Brigittine Friar, having quitted his cloister, and taken to himself a wife, joined the new apostles of religious liberty. He died suddenly—but because he adopted the Zwinglian doctrine regarding the Real Presence, Luther asserted that he was strangled by the devil. Muncer another disciple of Luther's and founder of the Anabaptists, exercising the right of private judgment on the second beatitude "Blessed are the meek for they shall possess the land," maintained that the possessions of the German princes belonged to himself and his followers, whom he modestly believed to be the "Meek" referred to in the Beatitude. He wrote to the Princes to renounce their titles and possessions; they declined; he placed himself at the head of 40,000 men to enforce his requisition, and filled the land with confusion, havoc and bloodshed. In vain did Luther stamp and rage, denounce and threaten hell-fire against the new reformers. "I can defend you against the Pope," he said to them, "but when the devil shall urge against you at your death the passage of Scripture 'they ran and I did not send them,' how shall you answer him? He will plunge you headlong into hell." He even went further and said, "If you continue in these measures of your common deliberations, I will recant whatever I have written or said, and leave you—mind what I say." But his denunciation and threats were set at defiance, and proved quite ineffectual to prevent contradictions and discords which became so numerous and scandalous, that Calvin wrote to Melancthon saying: "It is of great importance that the divisions which subsist among us should not be known to future ages: for nothing can be more ridiculous than that we, who have broken off from the whole world, should have agreed so ill among ourselves from the very beginning of the Reformation. "Into how many morsels have those sects been broken, who have divided

themselves from the unity of the Church," exclaimed St. Augustine, alluding to the heresies of his time? How much more truly verified when the system of private interpretation established a new charter of religious licence, when, before the close of the century which gave birth to the Reformation, the number of different sects had, according to Staphylus and Cardinal Hosius, increased to two hundred and seventy. Nor were these differences on unimportant or secondary points of doctrine and morality. Take as an example, the fundamental principle of Luther's theology, which was that of *imputed justice*, to the exclusion of all good works performed by ourselves, and which, according to his bottle companion Amsdorf, are more a hindrance than a help to our salvation. This tenet was intended by Luther to be the corner-stone of his whole system of moral theology. He lays it down in the following imperative and dogmatic tone: "This article shall remain in spite of all the world: it is I, Martin Luther, Evangelist, who say it; let no one therefore attempt to infringe it, neither the Emperor of the Romans nor of the Turks, nor of the Tartars; neither the Pope, nor the monks, nor the nuns, nor the kings, nor the princes, nor all the devils in hell. If they attempt it, may the infernal flames be their recompense. What I say here is to be taken for an inspiration of the Holy Ghost" (Saxon Visitation.) His threats and imprecations were disregarded. Melancthon and many other Lutherans not only abandoned this tenet, but embraced the very opposite of Semipelagianism, which teaches that good works are prior to God's grace. On that one fundamental tenet, Osiander tells us, there were "twenty several" opinions, all drawn from Scripture, and held by different members of the Augsburgh or Lutheran confession" (Archdeacon Blackburne's Confessional, p. 16.)

The baneful fruits of the system of private interpretation were not confined to the religious order, they were felt too in the social order. Tumults, anarchy, and bloodshed followed in its track. Dr. Hey, in his Theological Lectures, asserts that "the misinterpretation of Scripture brought on the miseries of the civil war;" and Lord Clarendon and other writers show, that the Puritans sought to justify their excesses and impieties by Scriptural quotations and examples. It was thus Almighty God punished with their own weapons those rulers and statesmen, who, for personal or political motives, sanctioned and

encouraged the spread of the new principles of the religious revolution. It is worthy of a passing notice, that the abandonment of the old faith, the propagation of new sects, and the establishment of national churches, were due, less to zeal for true religion or honest reading of the Scriptures, than to the passions, pride, lust of power and pleasure, party and political interests of kings and princes. It was more the work of statesmen than of theologians. Luther testifies and calls God to witness the truth of his testimony, that it was not *willingly*, i.e. on conviction of the falsehood of his religion but from *accident* (namely a quarrel with the Dominican Friars) that he raised the standard of religious revolt, “*casu, non voluntate in has turmas incidi: Deum testor.*” According to Mosheim, the Protestant historian, Gustavus introduced Lutheranism into Sweden, in opposition to the clergy and bishops, not only as agreeable to the genius and spirit of the Gospel, but also as favourable to the temporal state and political constitution of the Swedish dominions! According to the same historian, Christiern, who introduced the new religion into Denmark, was animated by no other motives than ambition and avarice. Grotius, another Protestant, speaking of his own country Holland, says, it is sedition and violence that gave birth to the Reformation in it. It is well known that the inordinate passion of a lustful king had more to do with the introduction of Protestantism into England than the Word of God.

The subsequent history of the Reformation was but the logical sequence of the circumstances which attended its birth. As it was nurtured and propagated under the mantle of State influence, it became a political machine worked by statesmen according to the exigencies of the times. Hence when its subversive principles began to be used for the upsetting of civil authority, it was but natural that princes and rulers for their own safety, should seize the helm, and quell the troubled elements by enforcing obedience and conformity to their own religious sentiments. Each king and prince framed his own articles of religion and confessions of Faith; such articles got the sanction of legal enactments, and were enforced by excommunication, deprivation, exile, imprisonment, torture and death. This was all, of course, a direct violation of the boasted charter of private judgment; but it was in the mysterious ways of Providence, a condign punishment of an unnatural rebellion against the mild yoke of their Mother the Church,

The remedy was worse than the disease. The arm of authority which is wielded with so much ease and success by the Catholic Church was quite unnatural in the hands of those who had rejected all authority and became an instrument of self-destruction, until the Protestant Church became "like an oak," in the words of one of its ablest defenders, "cleft to shivers with wedges made of its own body." Hence, after three hundred years, we have the system of *private judgment*, notwithstanding the restraining influence of civil authority, producing its natural fruits of religious discord, multiplication of sects, palpable contradictions, and gross inconsistencies. We need not go far for a witness. In "Whitaker's Almanac" of 1879, there is a list, stated to have been certified by the Registrar-General, of more than one hundred and sixty religious sects, having registered places of worship in England and Wales; and according to the religious statistics of the Irish Census, there are one hundred and fifty forms of faith in Ireland.

Again, take the Church of England (and what is said of it may be equally applied to the misnamed "Church of Ireland"), the Church of England which, according to Dryden, is "The least *deform'd*, because *reform'd* least." It has many pretensions, and many things connected with it calculated to produce an impression. It has an imposing hierarchy—archbishops, bishops, deans, rectors, curates—it can boast too of these external and material helps which make religion attractive—music, architecture, and ceremonies—and it has within its bosom many devout, self-sacrificing, charitable persons. But what is it? Nothing more than a huge monster of inconsistency. It has an episcopate. The very notion of an episcopate means a teaching body. It has a teaching body, but no teaching, because it does not even claim a mission or divine authority to teach; they look like a teaching body, but having no definite scheme of doctrine as divinely revealed, we may as well speak of the Horse Guards or Stock Exchange as a teaching body.

We have heard and read of "a Pan Anglican Synod" in our own times. Many questions of burning and vital importance agitated the public mind; the bishops met and separated, but taught nothing. Just a few meaningless sneers at Popery, and a caution against honouring the Mother of God and all ended. It claims to have a priesthood. Sacrifice and priesthood are correlative, yet it has no sacrifice, and regards the sacrifice of the New Law as

a blasphemous fable and dangerous deceit. And if there is an inherent inconsistency in its constitution, need we wonder at the inconsistency of its members, and the mass of heterogenous errors mixed up within its bosom from Anglican "othodoxy" to the most undisguised latitudinarianism, from the vaguest notions of Christianity, to the ritualistic tenets, which, though they bring them apparently to the very gates of Rome, apart from the principle of Church authority, are as much the outcome of private judgment as the teaching of the rationalists is.

One will naturally inquire, how is this state of things consistent with the fact of clergymen of the Established Church subscribing to the Thirty-nine Articles, which were specially framed to prevent diversity of opinion. But we must bear in mind that the "Established Church," because of its "establishment," is essentially a church of *expediency*. We have the authority of Dr. Blackburn, Protestant Archdeacon of Cleveland, for saying, that out of a hundred ministers of the Established Church, who every year in his time subscribed the Articles, "above one-fifth of the number did not subscribe or assent to them in one uniform sense." Doctor Clayton, Protestant Bishop of Clogher, maintained that "no two thinking men ever agreed exactly in their own opinion, even with regard to any one article of it." Finally we have the famous Bishop Burnet, who says that "the requiring of subscription to the Thirty-nine Articles is a great *imposition*, and that the greater part of the clergy subscribe the Articles without ever examining them, and others do it because *they must do it*, though they can hardly satisfy their consciences about some things in them." The truth of this testimony is confirmed by the fact, that so far back as the year 1772, a numerous body of the established clergy petitioned Parliament to be relieved from the *grievance*, as they termed it, of subscribing to these articles. Enough has been said to show that the *fruits* of the system of *private judgment* are the same to-day, but more abundant, than they were three hundred years ago, and that the Church of England, which, to all appearance, is the most noteworthy of all those that expressly or implicitly cultivate it in Scriptural interpretation, is no exception to the general rule.

The Pietistic System.—This system differs from the former in the assumption of a special inspiration of the Holy Spirit securing to each individual the true meaning

of Scripture. Hence all the arguments urged against that, apply with equal force to this, with the exception of the one drawn from the obscurity of the Scriptures, and which, according to the advocates of the Pietistic system, is no obstacle to the right understanding of them, as all things become clear and intelligible under the immediate influence of the light of the Holy Ghost. The question naturally arises, what proofs do they bring forward in support of this individual inspiration, which *we* cannot accept on mere assertion?

They are chiefly taken from Scripture. (a) "*But you have an unction from the Holy One, and you know all things. I have not written to you as to such as know not the truth, but as to such as know it*" (1 John c. 2, v. 20); and in v. 27, he thus concludes: "And the unction which you have received from Him, let it abide in you. *And you have no need that any one should teach you; but as His unction teacheth you concerning all things, and it is truth, and is not a lie.*" In which words St. John seems to lay down the rule of private individual inspiration in acquiring all faith, and consequently the true meaning of the Scripture. (b) Again, in the same Epistle (c. 4, v. 1), St. John thus addresses the faithful: "Dearly beloved, believe not every spirit; *but try the spirits* whether they be of God;" in which he appears to make private inspiration the judge of the spirit and doctrines of others. (c) "But the spiritual man *judgeth all things: and himself is judged by no one.* For who hath known the mind of the Lord, that he may instruct him. *But we have the mind of Christ.*" (1 Cor. ii., v. 15 and 1.) From these texts they conclude the Apostles teach that every true follower of Christ carries within him the Holy Spirit, who by His unction or inspiration, suggests all truth that comes from God, and hence, the true meaning of Scripture, without having recourse to the teaching or judgment of any other person or number of persons.

Such is foundation of the system we are now considering. Before refuting it, I will, for the sake of clearness, make one or two preliminary observations. First, our controversy is not about any exceptional or extraordinary case, but about the *universal rule* regarding the body of the faithful, in scriptural interpretation. We do not deny that there have been individual examples of an extraordinary and immediate internal inspiration of the Holy Spirit teaching things to be believed, apart from the *magisterium* of the Church. Such was St. Paul, who testifies of himself

(*Gal. i. v. 12*), "For neither did I receive it (the Gospel) from man, nor did I learn it, but by the revelation of Jesus Christ." And in the lessons in the Roman Breviary for the feast of St. Ignatius, July 31st, we read that the saint said of himself, that if the Scriptures never existed, he was prepared to die for the faith, on account of what the *Lord had manifested* to him at Manresa. But it would be the height of folly and rashness to set up a few extraordinary cases of this kind as the *ordinary general rule*, as if all the faithful may expect, every time they take a Bible in hand to read, an immediate illumination of the Holy Ghost, such as was vouchsafed to St. Paul and St. Ignatius.

Again, if the Scriptural texts above quoted, and relied on so much by our opponents, seem to lay special stress on individual inspiration, there are many other texts which more clearly and conclusively establish the authority of the Church in teaching and preaching, and the obligation, on the part of the faithful to listen to her voice. "*Faith cometh by hearing* and hearing by the word of Christ," says St. Paul to the Romans (c. x. v. 17), and he continues, "How shall they believe him of whom *they have not heard*, and how shall they hear *without a preacher*? And how can they preach unless they be sent." Again, what does our Blessed Lord mean by these words in St. Luke (c. x. v. 16) "He who heareth you heareth Me, he who despiseth you despiseth Me," unless the existence of a *magisterium*, to which all the faithful are bound to listen, with submission to its teaching? Now neither our adversaries believing in the veracity of Scripture nor ourselves can admit any *real* contradiction between different parts of God's word. How then can these apparently contradictory texts of Scripture be reconciled? In the economy of Christian faith according to the Catholic system, the concordance of the Biblical teaching is simple and natural. As those texts which allude to the authority of the Church in teaching do not exclude the action of the Holy Spirit, neither do these which extol the operation of the grace of the Holy Ghost, exclude the *magisterium* of the Church. For it must be borne in mind, that while we claim for the Church, the office of infallible teaching in faith and morals in general, and in the case under discussion, in the interpretation of Holy Writ, we do not exclude the action and internal inspiration of the Holy Spirit, as "no one can come to me," says our Saviour, "unless the Father who sent me, draw him." Without this internal movement of the Holy Spirit, the teaching of the

Church, and the preaching of its pastors will be of no avail; but from this it by no means follows, that *it* alone may be followed, casting aside the authority and directions of her of whom our blessed Lord said, "He that heareth you," &c. From all this it is obvious, that unless the texts on which our opponents insist, while extolling the efficacy of internal inspiration, at the same time exclude the *magisterium* of the Church, they have proved nothing. Now, if we examine them closely in connection with the context, we shall see that instead of proving the assumption of our adversaries, they clearly confirm the Catholic system, such as I have explained. What, then, does St. John mean, when he says, "The faithful have an unction from the Holy One, and know all things," and moreover "have no need that any *one should teach them?*" In these words, he neither asserts that internal inspiration by itself is a sufficient and universal rule of biblical interpretation; nor does he exclude the teaching authority of the Church either antecedent or subsequent, but the false and illegitimate teaching of these who tried to seduce the faithful by novel and perverse doctrines. This is quite manifest from the whole context. "My little children," he says, in vers. 18, "it is the last hour: and as you have heard that Antichrist cometh, even now there are become many Antichrists" (*i.e. false teachers*, as is apparent from verse 22). "But you have the unction from the Holy One," &c. This is confirmed by the subsequent context verse 26. "These things have I written to you, concerning them that *seduce you.*" The meaning of the Apostle therefore is: Let you, my children, listen not to the doctrines of these false teachers. "Let that which you *have heard* from the beginning abide in you" (vers. 24), *i.e.* the truths which have been preached to you, retain and practise, for which purpose you have the grace and unction of the Holy Spirit. In this testimony therefore, instead of an argument for the system of internal inspiration to the exclusion of an external *magisterium*, we have a solid and convincing proof of the Catholic system which combines the authority of the Church with the internal illumination of the Holy Spirit.

What does St. John mean when he exhorts the faithful "to try the spirits if they be of God" (c. 4, v. 1). Here again he warns them against false prophets, who were teaching unsound doctrines about the mystery of the Incarnation; he wishes them to examine whether the *spirit* and doctrines of *these* teachers agreed with that which they

received from the Apostles. This is evident from verse 2. "By this is the spirit of God known; every spirit that confesseth that Jesus Christ is come in the flesh, is of God: And every spirit that dissolveth Jesus is not of God: And this is Antichrist. So far is he from excluding the teaching of the Church, that he clearly inculcates its necessity even in trying the spirits, verse 6. "He that knoweth God, *heareth us—He that is not of God, heareth us not.* By this we know the spirit of truth and the spirit of error." By which words, our adversaries are convicted of error; because their theory is to hear nobody except the promptings of the spirit, whereas St. John says, "He that *heareth us not*, is not of God."

Finally when St. John (1 *Cor.* 11, v. 15) says, that "the spiritual man judgeth all things, and he himself is judged by no man," he is speaking of the *perfect* amongst the faithful, as is manifest from verse 6 of the same chapter, "Howbeit we speak wisdom among the perfect." Hence if we should concede that the words of the Apostle bear the meaning given them by our adversaries, the most that would follow is that their rule of faith and interpretation is one suited *for the perfect*. Now the perfect are a very small minority of the faithful; and we inquire not what may suit individuals, but what is the *universal* rule established by Christ for all the faithful.

But the Apostle does not exempt even the perfect from the *magisterium* of the Church, nor does he assert that they *of themselves* can always know for certain all things to be believed and the true sense of Scripture. Is not the action of the Apostle himself the strongest proof of this? If the spiritual and perfect man knoweth and judgeth all things in the sense of our adversaries, why does St. Paul in that chapter and through the entire Epistle *teach* the perfect and spiritual as well as the carnal and imperfect, doctrines suited to the capacity of each class, and which he designates by the words, *milk* (*i.e.* easy doctrines) and *meat* (*i.e.* more difficult and profound ones). Experience moreover teaches us, that while spiritual and perfect persons, because of the purity of their souls, and their spirit of devotion are more capable than others to form a dis cretive judgment on truths proposed for their belief and acceptance, still there are many obscure and doubtful matters on which, we find many perfect and holy persons to disagree, and fall into error, and in which they consequently need the infallible teaching of some external

authority. The words therefore of the Apostle, "that the spiritual man judgeth all things," are not to be understood *absolutely*, as if nothing is obscure or doubtful to such persons, but in a sense suited to the context, viz., while the carnal man understands temporal affairs, and little or nothing of spiritual things—the spiritual man on the contrary is a judge of all things, *i.e.* understands both temporal and spiritual things. As then the whole system of internal illumination is based on these texts of Scripture, which, taken with the context, not only do not exclude, but rather explicitly or implicitly vindicate the *magisterium* of the Church, it is evidently without foundation and consequently to be rejected.

Once more I repeat the argument used against the rational system, "By their fruits you shall know them." The fruits of the system of private inspiration have been the most ridiculous errors, the grossest impieties and irregularities. Acting on this supposed internal illumination, the Anabaptists, who arose five years after the trumpet of evangelical liberty had been sounded by Luther, and who professed to have immediate communication with God, asserted that they had a command from him to kill the wicked, and to establish a kingdom for the just, who were all to be rebaptized. It was under the enthusiasm of *this spirit*, that John Bockhold, a tailor of Leyden, and head of the Anabaptists, proclaimed himself king of Sion, married eleven wives at a time, and then put them and many of his subjects to death. Moved by the same spirit, Herman, another Anabaptist declared himself the Messiah, and commenced his preaching by exhorting the people, "to kill the priests—to kill all the magistrates in the world," because he said, "your redemption is at hand." Hacket a Calvinist, towards the end of the sixteenth century, became persuaded that the spirit of the Messiah had descended upon him; having made several proselytes, he sent two of them through the streets of London to proclaim, that Christ was come thither with his fan in his hand. When he was brought to the gibbet, the spirit became ungovernable, and he exclaimed: "Jehovah, Jehovah, don't you see the heavens are open, and Jesus coming to deliver me."

George Fox, the founder of the Quakers, under the influence of the Spirit, believed he had a divine mission to reform all abuses and to address persons of every dignity in the pronoun of the second person. Moved by the same spirit one of his disciples Simpson, went naked and bare-

foot several times through the markets, courts, towns, and cities to priests' homes, &c., telling them, "so should they all be stripped naked" (Fox's Journal, p. 239). A female Friend came into the Parliament House with a trencher in her hand, which she broke in pieces saying "Thus shall he (Cromwell) be broken in pieces. Another of the Society of Friends came to the door of the House of Commons with a drawn sword, wounded several saying, "he was inspired by the Holy Spirit to kill every man that sat in that house." James Naylor, a rather distinguished member of the Friends, became the laughing-stock of the nation, when under the guidance of the supposed private spirit, he fancied himself the Messiah, rode into Bristol, his disciples spreading their garments before him, and crying, Holy, Holy, Hosannah in the Highest! Scourged by the order of Parliament, he allowed the demented women who followed him, to kiss his feet and wounds, and to hail him "The Prince of Peace, the rose of Sharon, the fairest of ten thousand."

Many similar facts are to be found collected in Milner's "End of Religious Controversy," letter vi., about the followers of other sects, the Muggletonians, Hernhutters or Moravian Brethren, the Swedenborgians, Methodists, &c., who mistaking the hallucinations of their imaginations for divine inspirations, and pursuing this supposed inward light in the interpretation of Scripture, fell into numberless errors, contradictions, impieties and immoralities. Enough has been said to show the fallacy of the foundation, and the evil effects of the Pietistic system, and to enable me to conclude, that such a system destitute of foundation, and leading many persons into such a series of errors, absurdities, and impieties, cannot be the work of our Saviour, nor the system of Biblical interpretation established by Him.

D. HALLINAN.

THE ORDER OF CORPORATE REUNION.¹

THE name of Frederick George Lee, whose article on the O.C.R. lately appeared in the *Nineteenth Century*, has been now for a long time before the public, as prominently associated with the cause of the Reunion of Christendom. Ever since the *Union* newspaper was first edited, some twenty-five years ago, under his leadership, or, at any rate, with his foremost co-operation, Dr. Lee has continued to labour in behalf of this cause, by writings and sermons, as well as by active organisations, either instituted by himself, or in which he has taken a chief part; and all this, undaunted and unwearied by the opposition, apathy, and discouragement he has had to meet with from various quarters.

It is surely a great and a noble aspiration, the Reunion of Christendom—the gathering once more together of all the baptised, long since divided by schisms and sects into one visible communion—so as again to make one fold, under one shepherd, with the same common faith, sacraments, and obedience.

This aim, which Dr. Lee has proposed to himself, joined to his untiring zeal in its furtherance, cannot fail to enlist the sympathy and interest of many Catholics; and the more so, because his constantly avowed object is the Reunion of Christendom, and of the Anglican Church in particular, with Rome, which he recognises as the See of Peter, the Rock and foundation of the Christian Church, the Chair of Truth, the source and centre of Catholic unity; whilst to separation from the Holy See, he traces nearly all the evils that have befallen religion in this country during the last 300 years.

Dr. Lee holds, moreover, a personal claim on the kindly feelings of Catholics, from his having been, during a long course of years, conspicuous amongst Anglican authors of the High Church School, for the more large, generous, and thoughtful spirit, and for the tone of consideration and respect which he has uniformly evinced, when, in his writings, he has had occasion to treat of the Catholic Church, and her doctrines and practices.

¹ The *Nineteenth Century*, November, 1881. The Order of Corporate Reunion, by the Rev. Dr. F. G. Lee. *The Reunion Magazine*, passim.

Having ungrudgingly rendered this tribute of acknowledgment to Dr. Lee personally, on account of his general aim, his zeal, and his bearing towards the Catholic Church, I now propose, as a priest of that Church, and guided by her principles and teaching, to consider the question of Corporate Reunion, and some of Dr. Lee's views and statements thereupon, together with the plan of action of the O.C.R., of which, in his recent article, he may be accepted as a trustworthy exponent.

Before entering upon any scheme, by which parties some time separated and estranged from one another, may be reconciled and once more united, it is very necessary, first of all, that they be thoroughly agreed as to the meaning and import of certain relevant principles and terms, and that these be distinctly defined; especially, for example, what are understood to be the relative rights and the position of the parties, one towards the other: what is the nature of the reunion that is aimed at: in what precisely is it to consist: and how far is it to extend: Without such clear mutual understanding, there can be no common basis of negotiation, all efforts will prove abortive, and any steps taken towards reunion will eventually fall short of their end.

What, then, we may first inquire, is the mutually relative position of the Roman Catholic and the Anglican Churches according to the principles of the former? And what is the Reunion of Christendom in her sense?

The Roman Catholic Church—by which I mean the Church throughout the world in visible communion with the Holy See—claims to be herself alone the entire Catholic Church of Christ; that one, divine, visible kingdom which He came to found on earth, to which He committed the deposit of His revealed truth, together with the means of preserving it in its original integrity and purity until the end of time. She holds that to herself exclusively our Lord gave the New Law of His commandments, ordinances, and sacraments, and authority to teach His truths, and to make known His law amongst all nations in every age; that gathered into her communion, and with her divine sanction for faith and obedience, men might thus secure for themselves all the means He has provided for the sanctification and salvation of their souls.

Consequently, she cannot but regard all those of the baptised, who, refusing to her the submission of faith or obedience, remain outside her pale, as strangers to the

visible kingdom of God on earth, as heretics and schismatics severed from the Catholic Church and Body of Christ. But at the same time the Catholic Church—whose very *raison d'être*, we may say, is the extension of God's kingdom by the salvation of souls—is ever yearning as a tender mother for the return to her bosom of all who are separated from her unity by heresy or schism. And not alone does she desire the conversion of individuals, but she makes continual efforts for the Corporate Reunion of schismatical and heretical churches; and whenever she sees any disposition and desire on their part to return, she will go out, as it were, to meet them half-way; and sometimes, the more to encourage them, and to secure to them the divine blessings to be enjoyed in her communion, she is ready to relax her ordinary discipline in their favour, and to grant them exceptional privileges, as she has done in the case of the Uniate Churches in the East, by leaving to them the use of their own traditional discipline, rites, and customs. Still the one only way to reunion the Catholic Church knows of, is that of submission to her divine authority by faith and obedience.

If there is one thing more clear than another on the face of the whole question between Rome and the rest of Christendom, it is that Rome in the sphere of religion is sovereign and supreme, or, as those who are not with her must admit, that, at least, she claims for herself spiritual sovereignty and supremacy, by divine right. She can treat with none on equal terms; she requires all to submit to her. If she makes concessions to any, it is by way of condescension on her part, to avoid greater evils, and for the salvation of souls.

Hence when she receives and restores to her communion individuals or corporations that were estranged from her, however nearly these might before have been approximated to her in faith, still, in order to such reception and reunion, an essentially new element must first enter in, which will radically affect and modify their previous faith and position, and that essential element is, *the recognition of her claims as divine, and submission to her*. She never makes any compromise strictly speaking. In her Concordats with Governments, and in her terms for Corporate Reunion of Churches, she will waive the exercise of some of her rights and powers at times, and in given cases, on account of grave emergencies, or for the general good; but she never foregoes her inherent right to these prerogatives. With her

there is no such thing as a confederation of States in the Church of God: it is a divine kingdom, whose rightful sphere is all her own—the entire Christian religion, and Universal Christendom. The United Greeks, or other Uniate Churches, as such, have no inherent, separate rights of their own, independent of her. All these exist in subordination to her supreme authority, with their particular privileges conceded by her.

Lest I should be thought by a non-Catholic reader to be dealing in exaggeration, and giving utterance to merely individual opinion, I appeal to the authoritative teaching of the Church in her General Councils, and to her definitions of Faith, especially to those of the last Œcumenical Council of the Vatican, which no Catholic dare, *salva fide*, to controvert—where it is expressly taught that Churches or individuals holding otherwise as to Faith than the Roman Church, or separated from her visible communion, do not belong in any true sense to the One Body of Christ's Catholic Church. Again: that there is no rightful ecclesiastical authority or spiritual jurisdiction, save that which is derived from the Roman Pontiff, whose primacy and supremacy are by divine institution over the whole Church Catholic, and, at the same time, plenary, ordinary, and immediate over all parts of the Church, and every particular Church; and to this supremacy all the baptised are bound by divine obligation to submit and to be obedient. It is, moreover, expressly declared, that whoever should presume to disbelieve or to deliberately doubt the Church's teaching on any of the above points, incurs her anathema, and is guilty of heresy. Should he in any way outwardly manifest his heresy, he *ipso facto* incurs excommunication *latae sententiae*.¹

Thus we see what, according to her principles and Faith,

¹ If Rome's supremacy were not really and in the strictest sense of *divine right*, it could be nothing else than a gross and barefaced usurpation, and most detestable tyranny; and her whole course of conduct throughout history must be one living lie, and an outrage on the Sovereignty of God, since she always claims divine sanction and authority for her acts, some of them quite abnormal to the ordinary constitution of the Church. Such as sweeping away, by a stroke of her pen, an entire hierarchy of a country, and substituting another in its place, as Pius VII. did in France, or restoring a hierarchy after it had in her judgment died out, as Pius IX. did in England.

“Quum certum per eas Litteras (scil. *Universalis Ecclesia* 26 Sept., 1850) Pius IX. episcopalem hierarchiam inter anglos restitueret” Const. *Romanos Pontifices* Leonis XIII., 15 Mai, 1881.

is the Catholic Church in her own eyes : what is her position, and what her rights in relation to the rest of Christendom, and to the Anglican Church in particular ; what, moreover, this latter is, and what are its claims in the eyes of Rome, and what too in her sense is Reunion.

No arguments are needed to prove, since the patent facts of history are a clear demonstration, that the Anglican Church on her side recognises well the position which Rome takes up, and all that is involved in it. Consequently, denial of Rome's claim to supreme jurisdiction is to the Church of England her very essence and life. This denial was the origin of her separate existence, it has made her what she is, and it continues her in being. To retract the denial, and to submit would either make her not to be, or to become other than what she is.

The national Church of England, so far from being in former times degraded, and forfeiting its independence in the eyes of the people by its submission to Rome, became thereby invested with a supernatural character, was ennobled, and glorified in their sight, as itself sharing in prerogatives which were recognised as divine, whilst, at the same time, through union with the Holy See and the other national Churches of Catholicism, it was strengthened and preserved in its spiritual independence, and protected against encroachments of the civil power. But when the national Church exchanged the supremacy of the Pope for that of the Crown, at once its glory and strength were gone. Bound to, and then absorbed by the secular Government, it became shorn of all liberty and independence, supernatural character, popular influence, and spiritual jurisdiction : it lost its very identity, or rather, as the O.C.R. '*Pastoral*' expresses it, "every vestige of distinct corporate entity" whatsoever, and was found but a function, a mode of operation, the religious aspect of the State. Thus metamorphosed and merged into secularism, it now shrinks instinctively with all the force of its changed nature and being from the very touch or breath of Rome, since opposition to her spiritual claims makes its *raison d'être* and life, whilst reunion with her would prove its destruction and death. With such mutual antagonism on fundamental principles vital and essential to each, any Corporate Reunion of the Anglican Church and Rome seems indeed an impossible idea.

But it may be objected, that what has been said as to the loss of all independent corporate entity on the part

of the Church of England is simply an individual speculation, and a gratuitous assertion which may be as simply denied; and again, that, after all, the very same antagonism to the spiritual claims of Rome is incident to all those Churches in the East or elsewhere that are outside her communion, and was equally the original ground of their separation, as in the case of the English national Church, and that yet, notwithstanding, Corporate Reunion with some of these, so far from being considered impracticable by Rome, is ever an object of her earnest desire, and frequently of serious negotiation, whilst in some cases actual reunion has been already accomplished. All this is true; but, looked at from the side of Rome, there is no parity between one of these separated Eastern Churches and the Church of England. The latter has never been considered or practically treated by Rome, or by the Catholic Church generally, as having any ecclesiastical status whatever; but simply as one of the forms and aggregations of Protestantism in England. Its bishops and clergy have been uniformly regarded and practically treated as mere laymen. So there are no bishops for Rome to deal with, as there are in the Eastern schismatical Churches. And even waiving this for the moment, and supposing that they *are* bishops, or that, such as they are, they could be treated with as the authoritative Heads of Anglicanism; and supposing, too, that they were really united amongst themselves on all points of faith and doctrine, and agreed, moreover, in submission to the faith and authority of Rome: still, after all these most improbable hypotheses, they could not be accepted or dealt with as any really responsible representatives of the members, whether clerical or lay, of the Anglican communion, since it is too notorious that the faith of these is in no sense one, but that they hold multitudinous and often utterly contradictory opinions on matters of faith. This is quite otherwise in the various Eastern schismatic Churches, whose members are one entirely with their respective bishops; amongst them there is such a thing as a homogeneous creed, and a definite *corpus fidei*, existing not merely as a dead letter in paper formularies, but living—however defective or erroneous—in the minds and hearts of the people. Generally, they hold the Catholic Faith in its integrity, or almost so, with the exception of what relates to the Roman See; at any rate there is cohesion and union between the bishops and people, so that the

points for submission, and the terms for Corporate Reunion are greatly simplified, and the changes or additions of faith consequent on reunion could be easily taught and proposed for individual acceptance to all the people. Whereas, whatever may be the outward profession of Anglicans in words, or their articles of faith as set down in formularies, it is simply the fact, that a vast number both of their clergy and laity have really much the same variety of opinions or shifty vagueness amongst themselves on what they severally take to be *of faith* (if indeed they have any precise notion at all of what this means) as Dissenters who do not profess to belong to the Anglican Church. Whilst among what are called High Churchmen of various schools or parties, there also exists a very wide difference as to what truths and doctrines are to be held as of faith, together with all sorts of diverging views on the points they may mutually agree and settle to be *de fide*.

One single form might be drawn up, specifying the terms of union for an Oriental Church with Rome, which would meet the case of every individual member of that Church, whilst for the Church of England, there would have to be almost as many forms as there are members, or, at least, religious parties in the body, particularising the various points for repudiation or submission.

Hence—and many other reasons might be adduced—however desirable in itself Corporate Reunion of the Anglican body with the Roman Catholic Church might be in the eyes of some Anglicans, practically, and as things now are, any such reunion is chimerical and impossible.

My aim hitherto has been to determine, according to the principles of Catholic Faith, the mutual relations and rights of the two parties for whom reunion is proposed, viz., the Catholic Church united to the Holy See, and the Church of England: what is meant in a Catholic sense by reunion, and how far this is practicable.

I shall next consider what is the O.C.R., what are its principles and policy, and its precise position relatively to the two parties for whom it volunteers to negotiate a reunion. And for this it will be necessary to take notice of some of Dr. Lee's statements which bear on these points.

The O.C.R. professes to be a voluntary association of members of the Church of England, its organisers and rulers being Anglican clergymen. If Dr. Lee's article may be regarded as representing the views of the Order, they

hold that the Anglican Episcopate, and consequently the Anglican Church itself, is destitute of all spiritual jurisdiction whatsoever; that its Orders are at the best doubtfully valid, whether from fault in their original source, or on account of frequent omission and invalid ministration of baptism, or again from defect in the ordinal, or from frequent grave negligence on the part of the bishops in the actual collation of Orders. They hold that the same Church is erroneous and defective in Faith, particularly in its teaching on the Sacraments, and that two of these at least, viz., Confirmation and Extreme Unction, it has altogether rejected; that it has substituted "the mongrel, mutilated and bald service of the Lord's Supper now in public use," in the place of the Mass according to the ancient rite of the English Church—they confess, moreover, that the Anglican Church is devoid of all corporate entity whatsoever, and in the eyes of Rome, of an episcopate or ecclesiastical status of any sort—and that, consequently, in its present state negotiation with her for Corporate Reunion is entirely out of the question.

The object, then, of the O.C.R. is to remedy these defects, and "to build up again the Anglican Church from within." By the infusion, so to speak, of fresh blood into its body, they hope to restore its life and organisation, to reform its Faith, give back to it once more its lost sacraments, and to secure for it an unquestioned succession of valid Orders; that thus raised up from within to a higher level, with a recovered corporate entity, and ecclesiastical status, it may be able, on at least an equal footing with other separated Churches, to sue ere long for terms of reunion from the Holy See.

To accomplish all this the Order has constituted itself the efficient means. Already it commands "an impregnable position, and is fully equipped" for the work. Having first within its own boundaries supplied for itself and its associates everything that is wanting, and remedied whatever is amiss in the Church of England, it announces itself as a new fountain of divine benediction and grace to that Church, that all who will, whether clergy or laity, may draw nigh to partake of its life-giving streams. It will be as though a new graft on the Church of England, which Dr. Lee describes as "a branch of a spiritual tree long since visibly severed from its parent trunk;" and a graft of such rare virtue, as not only itself to thrive and bear fruit on the sapless, withered branch, but also to

impart its own life and fruitfulness to the stock to which it is united.

The way in which the Order found "providentially the divine instruments and materials"¹ needful for its full equipment is much as follows. Some three or four of its clerical members in the year 1877 secured for themselves clandestinely episcopal consecration, having first received Baptism, Confirmation, and their other Orders *sub conditione*, from some source which they affirm to be unquestionably valid, under a strict obligation to secrecy enjoined by the consecrators. All who are admitted to the Order, unless they can bring clear proof of their previous valid baptism, are conditionally baptised and confirmed with chrism by a Prelate of the Order—clerical members before their conditional ordination as Deacons and Priests, receive, moreover, the Minor Orders and the Subdiaconate, which the O.C.R. has revived. The new Forms prescribed for Confirmation and Orders are translated from the Roman Pontificate. The Sarum Rite for Mass and the Sacraments of Extreme Unction have been solemnly restored by the Prelates of the Order, who consecrate the Oils and Chrism for this and other Sacraments.

Besides these Sacramental and Liturgical changes, a more enlarged assortment of Catholic doctrines, supplying many omissions, and repudiating many tenets of the Church of England, has been formed on an entirely new basis, specially adopted by the Order, and is proposed to the faith and acceptance of its Anglican associates.

Everything being thus ready for public action, a solemn Synod of the O.C.R. was convoked, and a Pastoral promulgated, in which the formal constitution of the Order, its distinctive principles and doings were set forth. Whilst at the same time the immense store of blessings of which it had become possessed was freely opened to the Anglican Church and all in its communion. They are especially: 1. The Confession of a right Faith. 2. The integrity of the Sacraments. 3. Valid Orders unquestioned by East or West.

The Pastoral was forthwith "despatched to all the English Bishops, Deans, and Proctors in Convocation," in hope, no doubt, that pondering over their distressful case, of probably not being bishops or priests at all, they might be led to seek for Apostolical succession from the reunionist

prelates. It was "despatched also to the Holy Father and to many distinguished Catholic Prelates and Theologians in various countries," to assure especially the Sovereign Pontiff, that now at length the old reproach was in course of being removed, that once more the Anglican Church was on the way to recover the ancient Faith, true Sacraments, and an unquestionably valid succession, and that Anglicanism would ere long be possessed of a corporate entity and an ecclesiastical status recognisable even by Rome, and thus be capable of negotiating terms of reunion, at any rate as a Uniate Church.

After thus informing us to whom more particularly the Pastoral was sent, Dr. Lee immediately adds: "Except the simple sentence, containing an appeal to a general council—which, from a Roman Catholic standing-point, was inadmissible—its tone and terms secured a wide and almost universal commendation," words which, taken with their context, and with what is soon afterwards asserted, viz., that "the position of the O.C.R. was allowed to be impregnable by official representatives both from East to West," obviously imply, and would seem expressly intended to convey the impression, that the principles, policy and proceedings of the Order, as enunciated in the Pastoral, were alike almost universally approved of and commended in such opposite quarters as "all the English Bishops, Deans, and Proctors in Convocation," on the one hand; and (with the exception of one single clause) "the Holy Father and many Catholic Prelates and Theologians in various countries," on the other. Marvellously strange indeed! But we shall be better able to gauge the correctness of the implication, as we consider the O.C.R. in its relation to the Church of England, and to the Catholic Church.

In viewing then the O.C.R. first in its relation to the Anglican Church, an all-important question at once arises. By what right and authority has the Order done what it has done? Whence did it derive the mission and power to energise anew with divine and ecclesiastical life the material fabric of Anglicanism, and to reorganise into a living body that Church, from which "every vestige of distinct corporate entity and independence as a body corporate has utterly disappeared?" By what right did these Anglican clergymen and laymen form themselves into a private ecclesiastical organisation, obtain episcopal Orders for some of their members, assume the position they have taken up, and then proceed to act in virtue of their assumed

position; assemble in what they call a Synod, and claim for it the formalities and solemn sanctions of Canon Law? By what right do they issue what is termed a Pastoral, and set about remedying the evils, and supplying the defects of the Church in whose communion they are, and to whose authority they are subject: and propose to her members a more perfect faith than her own, and claim to restore to her lost sacraments, and to revalidate her succession?

The right to do all this must come either by delegation from some higher authority to which they are subject in religious and ecclesiastical matters, or it must be an intrinsic right inherent in themselves.

Now they certainly cannot claim to have this right by delegation. They did not receive it from the Anglican Church, whatever its supreme authority may be conceived to be. They did not receive it from Rome, the only other ecclesiastical authority which makes any claim to spiritual jurisdiction over Anglicans. They will hardly pretend that they received an extraordinary mission direct from heaven. But I have said enough, since Dr. Lee disclaims all extrinsic source whatever for the O.C.R.'s right to do what it has done. His words on this point are emphatic: "It may be truly asserted," he says, "that the prelates of the O.C.R. have claimed no spiritual jurisdiction whatsoever, save such as is granted by the society which they have been appointed to rule." Again, the prelates themselves in an official document claim indeed plenary authority, in virtue of which they condemn the Church of England for having "tampered with, rudely mutilated and deliberately made ambiguous" the Ordinal, so that it is now of doubtful validity; and by the same plenary authority decree new Forms for Ordinations, which they strictly enjoin upon all members of their Order, who, as clergymen, would presumably be subject to their Church alone in a matter of this kind. Yet it is "By Plenary Authority (I quote their own words) to Us belonging in right of Our respective Sacred Orders and Offices," and not—it should be well observed—by authority derived from any extrinsic source, whether delegated by the Church of England or by the Apostolic See.

We may pass over the claim of plenary authority in right of their Sacred Orders, as simply unworthy a moment's comment, since the bare notion is palpably preposterous and intolerable, that because a man may somehow get himself ordained or consecrated, he should therefore possess a consequent right to legislate for others and claim their obedience.

The plenary authority, then, which the rulers assume to exercise is derived exclusively from the Order itself; that is, is bestowed on them by those individual Anglican clergymen and laymen who are its associates, and therefore it must belong inherently to them: for "*nemo dat quod non habet.*"

But here the question suggests itself: How comes it to be inherent in them? How did they themselves get it? Is it because they are baptised, or because they are Anglicans? Some statements Dr. Lee has made with regard to the relation of Baptism to Catholicism, would incline me to think that in his view it was in virtue of their Baptism. For from his answer to Father Hutton, as we shall see later on, and from several passages in his published writings, it would seem to follow, that because all Catholics are baptised, *therefore* all the baptised are Catholics; and that from the very fact of their valid baptism, and "admission by the one door into the only Church," is derived a connatural right to secure for themselves in their own way whatever they may conceive to appertain to the integrity of their Catholicism.

It is very well sometimes to test the truth of a principle by its consequences. Supposing then this right to belong to Anglicans in virtue of their *baptism*, it would belong equally to baptised non-Anglicans, and hence it would be quite competent to all, or any of the Dissenters—say Methodists or Presbyterians—to band together and organise on their own responsibility an O.C.R. on the same lines as the Anglican Order. After securing valid baptism, the rulers might by some means or other obtain true orders and episcopal consecration, and then "by Plenary Authority to them belonging in right of their respective Sacred Orders and Offices, and in virtue of the spiritual jurisdiction granted by the Society they had been appointed to rule," might proceed to make Decrees on Faith and Discipline, enjoin obedience, and form plans for the improvement of the Church of England, and for the benefit of the Catholic Church at large, as has been done by the Anglican O.C.R.

But should this be held inadmissible on Anglican principles as schismatical; then whatever inherent right Church of England clergymen and laymen have to organise their O.C.R. must be in virtue not of their baptism, but of their *Anglicanism*, and because they are members of the Church of England. There is nothing else left, religiously or ecclesiastically, for them to fall back upon. If they lay

claim to any privilege and prerogative above the non-Anglican baptised in this country: that they are, for example, Churchmen, Anglo-Catholics, Catholics, or, at any rate, "more Catholic" than the rest, such superiority must flow from their connection with the Established Church, that they are members, whether as clergymen or laymen, of its communion, and subject to its authority, whatever they may prefer to think this to be. It matters not whether in their opinion that Church be good or bad, whatever they possess religiously or ecclesiastically, that the baptised non-Anglican has not, be it for better or for worse, is derived to them as Anglicans from her, and is due exclusively to their connection with her, that they are bound to her, that she is their mother, and that they are under her authority.

Now it is important to bear in mind that those who first initiated, and all who compose the O.C.R. are Anglicans—"The Order, Dr. Lee tells us, is strictly confined to members of the Church of England"—and indeed we may say, they profess an attachment and devotion to the Church of England greater than that of its other ordinary members. We are warranted in this assertion on no less authority than that of "Laurence, Bishop and Provincial of Caerleon, Prelate and Ruler of the Order," who expressly declares that all the brethren by the very fact and in virtue of their association are united to that Church by special ties, seeing they would "either by secession or by schism be completely departing from the plan of the Order, and breaking pledges solemnly entered into." And even though the English Church as a whole should repudiate the blessings and graces proffered by the Order, and choose to remain "in a position in which reunion with other episcopal churches is simply impossible," yet never will they repudiate that church. Nay, rather would they prefer to see the future of their cherished movement sacrificed, that it should "fall to the ground, and be as though it had never been," than originate a schism, or desert the Church of England with its imperfect faith, its mutilated sacraments, and its doubtful succession. It is, the Prelate intimates, to prevent blame-worthy conduct like this that the Order has been devised, and he congratulates himself in having "good reason for believing that its foundation has already superseded some such steps."¹

THOMAS LIVIUS, C.SS.R.

(To be continued).

¹ *The Nineteenth Century*, November, 1881. The O.C.R. *Postscript*.

THEOLOGICAL QUESTIONS.

DE OBLIGATIONE RESTITUENDI PAUPERIBUS, VEL AD PIOS
USUS, BONA ABSOLUTE SEU SIMPLICITER INCERTA
EX DELICTO ACQUISITA.

IT is sometimes asserted that a man in possession of property, which he acquired *mala fide*, of which it is impossible to discover the rightful owner, cannot be obliged, *sub gravi*, to give the same to the poor, or for pious uses—that such restitution may, indeed, be counselled as an act of piety, or, at the most, be enjoined as a penalty, but cannot be made obligatory on any principle of reason or justice; and, moreover, that now-a-days it has become obsolete in practice.

I may at once put the subject I treat of in a clearer light by a few practical illustrations.

The following accuse themselves in confession :—

1. James, of having still in his possession a gold watch, worth £25, which he stole twenty years ago, on a journey in America, from an entire stranger, whom he has for some time past been making every effort to discover, but without success.

2. William, of having some thirty years since stolen a purse, containing £50, at the Australian diggings—with the same circumstances as in James's case.

3. Thomas, that he spent several years of his past life travelling up and down England and Scotland, buying here and there from different unknown parties at a cheap rate all sorts of articles which he knew very well were stolen—so that by this traffic he is now possessed of a pretty considerable fortune.

4. John, of having made his living both in London and Liverpool by purchasing stolen goods, and practising unjust usury, from which he has realized a large amount of profits.

Before proceeding to determine the value of the foregoing assertions, I desire first to make some observations, the result of my reading on the subject of *bona incerta* in general.

Theologians, down to the time of Soto, held universally that all *bona simpliciter incerta sive bonâ sive malâ fide acquisita*—*bona inventa* (scil. *amissa*) included—were to be given to the poor, or for pious uses. They held this opinion on the ground that all such goods remained still under the dominion of the unknown owner; and, con-

sequently, when neither he nor his legitimate heirs could be discovered, the goods were by natural right to be disposed of according to his reasonably presumed will, *i.e.*, in works of charity or piety for his sake.

Soto made a revolution, so to say, in the schools, by originating the opinion that *bona inventa (sc. amissa)*, when the owner was not to be found, were to be regarded no longer as under his dominium, but as *res nullius*, and might as *bona derelicta* become the property of the finder as *primi occupantis*—that though such *bona* might metaphysically be said to belong still to their former owner, yet morally they were not his, since neither they nor the use of them could any longer reach him. Several theologians of name and weight began to adopt Soto's view, whilst many still adhered to the common opinion, *viz.*, that such goods were to be given to the poor, or for pious uses, according to the presumed will of their owner. Those who followed Soto went on to extend the principle to all absolutely uncertain goods, provided they were acquired *bona fide*. This is the opinion which with some modifications was adopted by De Lugo; and his opinion, adopted by St. Alphonsus, is that now generally carried out in practice.

With regard, however, to *bona simpliciter incerta malâ fide* acquisita, and the grave obligation their possessor is under of restoring such to the poor, or for pious uses, there has been absolutely no change of opinion whatever amongst theologians, whether ancient or modern. Nor so far as I can discover has any author ventured to call in question this obligation except Van der Velden, a Belgian, Ord. FF. Minor. Recollect. (*Principia Theol. Mor.* Tom. I. n. 160, 161); and he confesses that his views have no extrinsic authority for their support, and are in opposition to the common teaching of the schools. But whilst theologians are thus unanimous as to the existence of the obligation itself, there has been no little diversity and fluctuation of opinion amongst them as to the reasons and principles on which it is based.

To understand this, we must bear in mind that the obligation is really two-fold—including two distinct requirements. First, that the possessor despoil himself of the goods unjustly acquired. Secondly, that these goods be given to the poor or for pious uses. Now, I say that all theologians ancient and modern agree to base the two-fold grave obligation on positive ecclesiastical law—the constitution, *viz.* of Alexander III., cap. “*cum tu de Usuris.*”

What is there enacted regarding unjust usury they unanimously hold to extend to all bona simpliciter incerta which have been acquired ex quocumque delicto, and to be universally binding even at the present day. In this sense, they say, it has been practically received by the Church, and so has obtained the force of her commonly recognised custom and discipline. (Conf. Less. Lib. II. cap. 14. Dub. VI. Crollý de Justitia et Jure Tom. III. n. 1105. et A. A. communiter.)

But theologians are divided as to whether the obligation rests on positive law alone, or on natural law also. Some maintain that the entire two-fold obligation is founded on natural law, and that the constitution of Alexander III. serves simply to declare, enforce and determine the natural law (thus De Lugo, Sporer, Molina, Carriere, &c.) Others hold that, whilst the obligation to give up the unjust acquisitions is of natural law, the specified application of them to the poor is exclusively due to the positive precept (thus Lessius and many others). The only author I have ever met with who gives it expressly as his opinion that both parts of the obligation are founded on positive ecclesiastical law alone, is Layman (Lib. iii., Tr. ii., cap. ix. Assertio ii.) Again, theologians who appeal to natural as well as to positive law, differ in their choice of the principles of reason or justice on which the obligation rests.

Of course all those authors, as Carriere, &c., who adhere to the older opinion, viz., that *all* bona incerta are still under the dominium of the unknown owner, and have to be dealt with according to his presumed will, consistently urge this principle as the ground of the obligatory restitution to the poor in the case of bona incerta *malâ fide* acquisita. But many of those who have, practically at least, given up that opinion with regard to bona inventa, and simpliciter incerta bonâ fide acquisita, reasonably feel a difficulty in applying the principles of the presumed will of the dominus to the case of bona incerta *malâ fide* acquisita, since these are objectively in the same relative position to the unknown owner, as bona inventa, or bona incerta bonâ fide acquisita. If indeed some of these authors still invoke the above principle in the case of bona incerta *malâ fide* acquisita as the ground of their obligatory restitution to the poor, they do so, as it appears to me, with great inconsistency. Hence theologians who have come to abandon the principle of the presumed

will of the dominus, usually to base the obligation on other principles or axioms of reason and natural justice, especially that one: "*Nemo ex re alterius injuste locupletari debet.*" Here, however, the question may be raised: Do these *bona simpliciter incerta* properly fall under the category of "*res alterius*?" Since *hic et nunc* they may equally, with *bona inventa*, or *incerta bona fide acquisita*, be regarded as "*res nullius*," and so become the property of their actual possessor as *primi occupantis*. Others modify the above principle by leaving out "*alterius*," saying simply: "*Nefas est malitiam furi aut malae fidei possessori prodesse*," or in other words: "*Nemo ex malitia sua commodum reportare debet.*" Some invoke this principle as an axiom intrinsically evident, and as in itself a certainly sufficient ground for the obligatory restitution. Whilst others support it by a further reason, viz., the evil that thereby would accrue to society, or they make this last reason the sole ground. "*Ratio est quia notabiliter ditescendo ex re aliena grave intulit damnum reipublicae.*"

Besides these principles I know of no others brought forward by theologians.

We are now in a position to judge of the value of the assertions placed at the head of this paper.

They contain:—

1. An opinion which is in direct contradiction to the common teaching of theologians, who unanimously base the obligation on positive ecclesiastical law, and support it by various intrinsic reasons.¹

2. An opinion opposed to what is held by the consent of theologians to be the received teaching and discipline of the Church.

3. An opinion destitute of all extrinsic authority, and devoid of all probability. Conf. Prop. 27 damn. ab Alex. VII.

4. An opinion which, if referred to Rome, would, I believe, be condemned as a novelty, and as utterly false.

All that I have as yet had in view is to establish uncontestedly from the extrinsic authority of theologians the existence of the grave obligation—and to show that any

¹ The late lamented Dr. Crolly, may be well appealed to as the last, and a most reliable witness amongst modern theologians for the past traditional teaching of the schools on the matter of this obligation, and for its being practically in force at the present day. Cf. Crolly, *Disp. de justitia et jure*, Tom. III. n. 327, 329, 1104 et seq. *et Notam in finem operis.*

contrary opinion is improbable and untenable. If it is permitted me, I shall say something as to the intrinsic reasons on which the obligation is founded, in a future number of the RECORD.

DE OBLIGATIONE RESTITUENDI PAUPERIBUS VEL AD PIOS USUS, BONA
ABSOLUTE SEU SIMPLICITER INCERTA EX DELICTO ACQUISITA.

In a former paper I fulfilled the main object I proposed to myself in bringing forward the above question, which was to show that all theologians are unanimous in teaching that the possessor of bona simpliciter incerta ex delicto acquisita is bound, *sub gravi*, to give them up, and to apply them to the poor or for pious uses, and that consequently any contrary opinion is a novelty, devoid of all probability and utterly untenable.

Together with this unanimity of authors as to the existence of the obligation we saw there was amongst them much divergency of opinion as to the grounds on which it rests. Some basing it, or at least the application of the goods to the poor, on positive law alone, others on natural law also, whilst these latter were divided again in their choice of principles for its support.

Theologians of name and authority may be cited in behalf of these various counter opinions; and since agreement with them all is impossible, it will not perhaps be deemed presumptuous in this conflict of opinions, if one who has endeavoured carefully to study the question, and to inform himself of what theologians of weight have written upon it, should express his own views, or should rather say which of the various opinions he prefers to adopt, as most approving itself to his judgment, and should at the same time give his reasons for this preference, provided he does so with sobriety and due deference to the authority and reasonings of others, and is open to correction for what he may say amiss.

The thesis, then, that I would maintain is, that the obligatory restitution in question is founded not alone on positive ecclesiastical law, but is also based on principles of reason and justice from natural and divine law: moreover, that the Church and also the Civil State have an inherent right to determine the particular application of the restitution.

I. *Natural Law.*

The principles from natural law by which the possessor cannot be allowed to retain his unjust acquisitions, are—

A. *Nefas est malitiam furi aut malae fidei possessori prodesse*—in other words: *nemo ex malitia sua commodum reportare debet*, or, *nemini et non nemini sua fraus pata patrocinari debet.*

1. This principle is an axiom of natural morality, intrinsically consonant with justice and reason, and its contrary is entirely opposed to all principles of natural right.

2. It is necessary for the observance of, and essentially implied in the Divine precept of the 7th Commandment, as St. Alphonsus testifies (L. IV. n. 534 Qu. 2). “*Fur tamen certe non potest sibi retinere quantitatem ablatam nam (ut dicunt Sanch. et aliqui apud Lugo, etsi in alio proposito) praeceptum non furandi non solum prohibet ne quis alios graviter laedat, sed etiam ne ditescat notabiliter in aere alieno.*”

3. It is sometimes objected that the restitution in question is not restitution at all properly speaking, arising from commutative justice. I would maintain the contrary, viz., that the obligation to give up the unjust acquisitions is strictly speaking restitution due from commutative justice. Since by theft the equality of justice is disturbed, and an inequality is brought about, by which the dominus on the one hand is deprived of what is his, and which he ought to have, whilst the thief on the other hand is in possession of what is not his, and which he ought not to have. Now, if the equality cannot be restored on both sides, by the dominus getting back his own, it ought at least to be restored on the side where it is possible, by despoiling the thief of what is not his. This agrees with St. Thomas 2. 2^{ae} Qu. 62, avt. vi. “*Ad primum ergo dicendum, quod Restitutio non ordinatur principaliter ad hoc quod ille qui plus habet quam debet, habere desinat: sed ad hoc quod illi qui minus habet suppleatur.*” For from this we may fairly infer that the Angelic Doctor held that “*Restitutio ordinatur secundarie ad hoc quod ille qui plus habet quam debet, habere desinat.*”

B. Another principle, reposing on society—itsself a natural institution—and necessarily required for its protection, is contained in the following: “*Notabiliter ditescendo ex re aliena grave intulit damnum reipublicae,*” viz., the injury to society which must be repaired.

St. Alphonsus, further on in the place last quoted, acknowledges and builds upon this principle :

“Siergo singuli domini non fuerint graviter laesi, fur non tenetur sub gravi obligatione eis restitutionem facere. Attamen cum ipse notabiliter ditescendo ex bonis alienis grave intulerit damnum reipublicae, ideo reipublicae damnum restituere debet. Eo igitur casu sub gravi tenebitur reipublicae restitutionem facere : dominis vero tantum sub levi.”

Dr. Crolly also :

“In hoc casu bonum publicum prorsus exigit ut injustus possessor restitutionem faciat, et hoc jus ex ipsa jure naturali oritur, ut jam probavimus quia ipsa societas stare non posset, si hominibus iniquis liceret ditescere ex rebus alienis. (Tom. iii. 1109.)

The principles I have brought forward are axioms of natural law and dictates of reason, necessary for the preservation of human society, the observance of the Seventh Commandment, and for the vindication of justice ; and from them it follows that antecedently to any positive law, ecclesiastical or civil, the possessor in question is bound to despoil himself of his unjust acquisitions and to give them up.

To whom ?

1. He cannot give them to the former dominus, whom ex hypothesi it is impossible to discover—who is in fact, according to Lugo, St. Alphonsus, and other theologians of note, morally no longer dominus.

“Quando res . . . non videtur possibile ut ad dominum redeat ; nunc illa fit nullius, et ideo acquiritur a primo occupante, qui illam non tenetur dare juxta voluntatem prioris domini cum ille impossibilitate eam recuperandi jus domini prorsus amiserit Ratio a priori est quia jus gentium tribuit privatis dominium rerum non ad aliud, quam ut illis utantur ; hinc, quando est impossibile rem pervenire ad ipsorum usum, illa tanquam derelicta evadit nullius, et redit ad primævum jus naturae ac ideo fit primi occupantis sine ulla obligatione.”

2. Nor, consequently, is the presumed intention of the former dominus to be the rule for their restitution, as St. Alphonsus says, if he is dominus no longer. It appears, as I have before observed, very inconsistent that authors who refuse to apply the principle of the presumed will of the dominus to other bona incerta, viz., inventa, et bonâ fide acquisita, should invoke this principle here, since

the extrinsic circumstance of the acquisition formerly *malâ fide*, cannot affect the objective condition of the *bona hic et nunc*, or change their present relation to the *dominus*.

3. The unjust possessor cannot appropriate them himself; for the two principles founded on natural justice and the good of society debar him, and in his case invalidate, as it were, the otherwise ordinary natural right of *primi occupantis*.

4. He cannot leave them idle, simply as they are, or throw them away, for that would be absurd and unreasonable.

To whom is he to give them?

By the natural law, he must give them for the good of society. By his injustice he has done a wrong to society which has to be repaired. Society has a claim on these goods. He must then make reparation by giving them to society (*meliori modo*) for the public use, or to those of society who are the more needy, to whom they would be most useful, which would be really for the good of society in general.

This agrees with what St. Alphonsus says in the passage before quoted (n. 534), and with what he says further on (*ibid.*), though on another question than our present one. “*Unde videtur quod sufficienter fur satisfaciat suæ gravi obligationi ex presunto consensu reipublicæ, si restitueret pauperibus aut piis locis qui sunt egentiores reipublicæ partes.*” He says, too, “*ad rempublicam principaliter tunc pertinet jus rei ablatae*” (*Conf. Homo Apost., Tr. x. n. 38*).

Though Dr. Crolley dissents from the opinion of DeLugo and St. Alphonsus that the dominium of the goods in question has passed away from the unknown *dominus* (1106 et seq.), yet he does not on that account admit the principle that they are to be disposed of according to the will of the *dominus* (n. 1100)—this principle he shows, as also do other authors, is open to several objections, quite independently of the opinion concerning the lapsed dominium of the goods. But he maintains that by the prescription of the natural law, they are to be applied in the best way for the common good, whether in charity or piety, or for the public use, unless the State or the Sovereign Pontiff, to whom the right belongs, should have otherwise determined their application (*Conf. omnino 1109, 10*).

So far according to Natural law, and to what would hold good in any society, even in a non-Christian State.

2. *Positive Law.*

A. *Civil Society*, we have seen, has a right to these uncertain goods; and, consequently, society or the State may (in virtue of natural law) legislate with regard to their disposition and application for the use and benefit of society, and such positive law is of valid force for the members of society.

B. *Ecclesiastical.*

(a) The Church also, through the supreme authority residing in the Sovereign Pontiff, may make positive laws for Christians with regard to these *bona incerta*, by declaring, interpreting, determining, and enforcing the natural law.

This Alexander III. did, by obliging uncertain usury to be given to the poor, or for pious uses. And this law has always been held to apply to all uncertain acquisitions *ex quocumque delicto*—for so it has been interpreted by consent of theologians, and become the universally received use and discipline of the Church.

(b) The Church has the power to legislate in this matter, not only with regard to ecclesiastical property, but also with regard to non-ecclesiastical property—that is, temporal goods generally, so far as they enter into the spiritual domain, and it concerns the spiritual good of the faithful—and can make positive laws as to the disposition and application of these *bona incerta* in the interests of the public good, and for the same reason may commute and compound the obligation of their restitution (St. Alph. L. iv. 591-2).

This other Popes have done by granting compositions of such uncertain goods (*ibid.* 591-594).

The right of legislating for the faithful with regard to the application of these *bona incerta* belongs, so at least I should conceive, *primarily*, to the Church, since this is a matter which directly concerns the *forum conscientiæ*, and the spiritual direction of souls—hence her laws on this point should be observed in preference to others. *Secondarily*, the right belongs to civil society, because theft is also a social crime.

St. Alphonsus does not expressly give an opinion as to whether the obligatory restitution, we have been discussing, arises from the natural law or not, and has not treated the question at all *ex professo*. Yet that he holds the affirmative is to be clearly inferred from his teaching on compositions of the Sovereign Pontiff (L. IV. 591), where following Lugo and other theologians (Lug. Disp. 21, n. 95), he says, that if a composition (*super debitis incertis non-ecclesiasticis*)

is made by the Pope, without just cause, it is *invalid*. Now this of course would be absurd, if the restitution were obligatory by positive law alone, since the Pope can dispense *validly*, even without just cause, in all positive law. With regard to the particular application of the goods to the poor, St. Alphonsus in two or three passages assents to the opinion that this is only due to positive law.

Having hitherto treated the subject of this grave obligation to restitution entirely in a speculative way, and as it exists *per se*, may I be allowed in conclusion to add a few observations which have a more practical bearing.

1. Though the grave obligation is incontestably in force *per se*, yet in practice, there may often be circumstances which will *per accidens* excuse from restitution. Should a man for example be in possession of some unjustly acquired property in specie, and should grave inconvenience or risk of detection be likely to ensue from its restitution to the poor or for pious uses, on account of the enactments of civil law, he would be excused from actual restitution, and might be allowed to hold such property *pro tem.* as care-keeper so to say. Such a case, however, is not very common, and must not be feigned.

It might be perhaps fairly presumed that the positive ecclesiastical law of Alex. III. as to the application to the poor of uncertain unjust acquisitions would not be in force in any case where its observance would be likely to bring the possessor into collision with any regulations of the civil power, especially as the penalties enacted by that ecclesiastical law, have no longer any force in *foro externo*.

2. All that is said by theologians, and so well brought together by Dr. Crolley (Tom. III. n. n. 475, 480), with regard to the prudence and caution the confessor should exercise in enlightening and admonishing those who may be ignorant of the grave obligation, and who are in *bonâ fide*, or who would not probably profit by his monitions, have certainly a double force, in the case of the restitution of these *debita incerta*, where the obligation is by no means so clear and evidently cogent *per se*, as in the case of *debita certa*. And for the same reason it would seem that the principle: "*mensura restitutionis est quantitas rei alienæ sine causa detentæ*," need not be urged and applied with such strictness as in ordinary restitution to a known dominus.

3. If the possessor is himself poor, the confessor can

allow him to keep the property in question, or part of it. Since theologians teach that the possessor may apply it to himself, *qua pauperi*, or if his family is poor he may give it, whether in whole or in part, to them. And it is not necessary that those to whom it is applied should be of the poorest, or absolutely poor, but relatively so.

4. It appears to me quite clear, that one who had acquired unjustly some property (*bona incerta*), but was now no longer in possession of it, either in specie, in *aequivalenti* or in *emolumento*, would not be bound to any restitution, *v.g.*, a man who had stolen a watch, or purse worth £20, and who had afterwards lost it, as in this case the *inequality* brought about by the theft is repaired as far as can be by the thieves privation of what he had unjustly acquired. (See what was said on an earlier page).

C.

LITURGICAL QUESTIONS.

Wax Candles required for the celebration of Mass.

It is nothing uncommon to find Holy Mass habitually celebrated in churches and chapels both in town and country through Ireland with candles of other materials than wax—(parafine, vegetable wax, composite, &c.)

Priests will defend this practice as lawful, on the plea of some old privilege, or recognised custom, which they say has come down from penal times. I would wish to ask :—

I.

Was such a privilege ever granted to this country by the Holy See; or was any such custom legitimate?

We are very much surprised to hear that candles which are not made of wax are used at Mass in any part of Ireland. Surely no priest is unaware that the rubrics¹ expressly require these candles to be of wax, and that a violation of this rubric without necessity is, according to the opinion of many theologians, a mortal sin. “*Communiter Doctores docent,*” writes St. Alphonsus, “*id esse mortale (celebrare cum candelis ex sebo vel oleo) quia talis usus est indecentissimus et prorsus alienus ab universali Ecclesiae consuetudine.*”²

¹ Rub. Missae. de defectibus, tit. x. n. 1.

² S. Alph. lib. vi., n. 394, dub. 1.

No Apostolic Indult allowing the use of any but wax candles at Mass was ever granted to Ireland, as far as we know, and the custom you mention is not legitimate. The Sacred Congregation was declared “consuetudines, quae sunt contra Missale Romanum, dicendae sunt potius corruptelae quam consuetudines;”¹ and in another Decree it orders “in omnibus et per omnia servari Rubricas Missalis Romani, non obstante quocunque praetextu, et contraria consuetudine, quam abusum esse declarat.”²

II.

Would not the Acts and Decrees of the National Synods of Thurles and Maynooth (page 18) abrogate the use of such a privilege or custom, if it formerly existed?

The Decrees of those Synods clearly indicate that Ireland has no Apostolic Indult, and, moreover, that there is no general necessity in this country to justify such a departure from the law. “Cum Missa celebratur, colluceant duae saltem candelae *cereae*.”³

III.

Are not the only instances on record of dispensations being granted by the S.R.C. for other than wax candles at Mass, the permission given to the missions in the Polar regions and Oceanica?

These are the only instances recorded in the Decreta Authentica of Gardellini. We have seen no reference to any other similar Indult.

IV.

Has every bishop the power to dispense from the universal obligation of using only wax candles at Mass, or to sanction or tolerate a contrary custom?

Manifestly not. This regulation respecting the material of the candles is one of the missal rubrics, and the missal rubrics are laws made by a higher authority than the bishops. “Inferior non valet dispensare in legibus superioris.” In a particular case when it is doubted whether or not the necessity is sufficient to justify a departure from the general law, the bishop is the proper person to whom we should refer for a practical decision; but in no sense does he exercise a dispensing power.

For the same reason he has no authority to sanction or tolerate a custom against a plain rubric of the Roman missal.

¹ 16 March, 1591.

² Decree given in the beginning of the Missal.

³ Chap. xiii., n. 61.

V.

If the obligation (and that *sub gravi*) of using only wax candles at Mass is in force in Ireland, can a priest, *tuta conscientia*, celebrate with non-wax candles in any other case than that of such necessity as is contemplated by theologians, v. g., *ne moribundus viatico*, *vel populus Missa de praecepto careat*?

We in Ireland are bound by the general law, and consequently any departure from it can be justified only by such necessity as would be recognised by the theologians to be a sufficient excuse. But theologians do not commonly limit the cases of necessity to the two which you have quoted from St. Alphonsus (Lib. vi., n. 394, Dub. 1.) They lay down the general principle.

Thus Suarez writes, "in illa (necessitate), quando candela cerea haberi non potest, non damnarem peccati mortalis eum qui sine scandalo et contemptu sed ex devotione, cum sola hujusmodi (ex oleo) lucerna Missam diceret, quamvis ego non consulerem; inferiori autem materia, ut ex sebo vel simile, nullo modo adhibenda est."¹ Other theologians are not so rigid in excluding the use of even tallow candles (candelae ex sebo) in cases of necessity. "Non video," writes Gobat,² "cur tam rigide excludat sebaceam, ut malit omitti Sacrum ex devotione, quam cum illa sacrificari;" and Bonacina, "in necessitate sufficient candelae sebaecae aut etiam lucerna ex aleo."³ Layman says, "ob causam, etiam non valde gravem, celebrari posset cum uno cereo, vel igni ardente in oleo aut sebo: modo scandalum absit."⁴

VI.

Can a stranger-priest, who may be staying in a place and who knows that there are no wax candles in the church, and is also aware of the strict obligation under which they are required for Mass, celebrate during his sojourn, *tuta conscientia*, on the ground that the responsibility does not rest with him, but with the priest in charge of the church, and that if he were to advert to the defect he might give offence and cause serious inconvenience to other interests which are of importance?

We are of opinion that the theologians we have consulted (Suarez, Layman, Bonacina, Gobat) would allow him to say Mass with the non-wax candles in this case. The obligation of providing the proper kind of candles falls

¹ Tom. xviii., Q. lxxx. Act iii., sect. 6.

² Tom. i., p. i., Tract. iii., cas. x., n. 292.

³ Tom. i., Disp. iv., R. vi., punct ix., n. 31.

⁴ Lib. cap. vi., n. 17.

in the first instance on the priests charged with the care of the church, and then upon his bishop, who is obliged to inquire into matters of this kind when making his visitation of the parish. At the same time, if a timely suggestion or remonstrance on the part of the stranger priest would lead to the providing of wax candles, we think he ought to make it. The feeling of a priest for whom such a suggestion would be necessary, would, we fancy, be one of confusion rather than of resentment.

Even St. Alphonsus, who is so strict on this question, only objects to the action of one, who, not being able to procure wax candles, says Mass with those made of oil or tallow, *ex mera devotione*. This principle would not apply to him who has any other reason for celebrating besides devotion alone.¹

VII.

1. If such a stranger-priest celebrates, is he bound to provide wax candles for his Mass, otherwise must he abstain from saying Mass?

2. If he foresaw, before coming, the absence of wax candles, should he have brought them with him?

1. If he can provide such candles himself, he ought to do so; but we hesitate to say that, in the special circumstances, he is bound to do so under penalty of abstaining from the celebration of Mass.

2. If he foresaw the difficulty, we think he should bring with him wax candles.

VIII.

Are any other candles than those of wax at all recognised in an ecclesiastical sense, and capable of receiving the benediction of the church on Candlemas-day or on other occasion through the prayers of the Liturgy?

The candles presented for blessing on Candlemas-day and on other occasions must be of wax. This is an essential condition.

We printed in the February number of the RECORD, 1881, page 117, an important Ordinance of the Cardinal Vicar of Rome on this subject.

R. BROWNE.

¹ Non approbo id quod dicunt Pasquesius, Gobatus et alii (quibus consentit Suarez loquendo de lumine ex oleo) nempe non esse illicitum celebrare cum candelis ex oleo vel sebo, etiam ex sola devotione, si aliae haberi non possint; nam haec non videtur causa gravis sufficiens ad excusandum a mortali, ut supra dictum est. S. ALP. L. vi. Tr. v., n. 394.

DOCUMENT.

THE NUPTIAL BENEDICTION.

[From the following Decree it will be seen that the Sacred Congregation directs—

1° that the Nuptial Benediction as contained in the Roman Missal should be given *extra tempus feriatum* as often as two Catholics are getting married, provided that the woman, if a widow, has not already received it.

2° That the benediction is to be supplied even though a long time may have elapsed since the marriage was celebrated.

3° That converts should be instructed that the benediction is a ceremony and not an essential condition of a valid marriage.—ED. I.E.R.]

EX S. CONG. S. R. U. INQUISIT.

DECRETUM GENERALE¹ QUOAD BENEDICTIONEM NUPTIALEM.
FERIA IV. DIE 31 AUGUSTI, 1881.

In Congregatione Generali S. R. et Universalis Inquisitionis habita coram Emis ac Rmis DD. S. R. E. Cardinalibus in rebus fidei inquisitoribus generalibus, praehabito voto DD. Consultorum iidem Emi ac Rmi DD. decreverunt :

Benedictionem nuptialem, quam exhibet missale romanum in *Missa pro sponso et sponsa*, semper impertiendam esse in matrimoniis catholicorum, infra tamen Missae celebrationem, iuxta rubricas, et extra tempus feriatum, omnibus illis coniugibus, qui eam in contrahendo matrimonio, quacumque ex causa non obtinuerint; etiamsi petent postquam diu iam in matrimonio vixerint, dummodo mulier, si vidua, benedictionem ipsam in aliis nuptiis non acceperit.

Insuper hortandos esse eosdem coniuges Catholicos, qui benedictionem sui matrimonii non obtinuerunt, ut eam primo quoque tempore petant. Significandum vero illis, maxime si neophyti sint, vel ante conversionem ab haeresi valide contraxerint; benedictionem ipsam ad ritum et solemnitatem, non vero ad substantiam, et validitatem pertinere coniugii.

Contrariis quibuscumque non obstantibus.

✠ FR. VINCENTIUS LEO SALLUA

Archiepiscopus Chalcedonensis S. R. et Universalis Inquisitionis
Commissarius Generalis.

IUVENALIS PELAMI

S. Romanae et Universalis Inquisitionis Notarius.

¹De mandato R. P. D, Commissarii generalis, ceu alias, edimus decretum hoc.

NOTICES OF BOOKS.

"Legends of Ireland's Heroic Age." By AUBREY DE VERE.
London: Kegan Paul and Co.

WE venture to call the special attention of our readers to this beautiful volume, first, because it is noble poetry, and secondly, because its inspiration is borrowed from the legendary history of ancient Ireland. Long since, Aubrey de Vere has taken his place in the front rank of living poets. But we owe him special gratitude because he has devoted his genius ungrudgingly to the service of Catholic Ireland. He might have won more fame from the noisy critics of the time, had he sought for other themes, for assuredly nothing Irish is likely to secure its due meed of praise either in English or Scotch Reviews. But he loves to sing of Inisfail, and we believe he has chosen well for his future fame; and even now, if the stranger is indifferent, that is all the better reason why his own should appreciate him the more. If we get the genuine article of Irish manufacture, we can afford to dispense both with imported goods and foreign consumption. For the same reason, we should have preferred to see this thoroughly Irish book brought out by an Irish publisher.

This volume is intended to conclude what may be called the poetic history of Ireland. That history includes three perfect cycles, distinct in all essential features—Pagan Ireland, Saintly Ireland, and Suffering Ireland. In "Inisfail," the author has dealt with the six centuries of woe that extend from Strongbow to O'Connell, when Erin's harp was tuned only to notes of sadness, when the tears were never dry on her cheeks, and the voice of her mourning was heard in the night. The poet caught up the mourner's tone, and gave a voice to her wailing, and threw the lustre of a divine hope on the crown of sorrows that she wore. "The Legends of St. Patrick" deal with the saintly period of Ireland, from Patrick to Columba, when every island round our shores had its school of saints, whose glory was as the sun, and the people were made strong in faith that might endure the bitter conflict of the coming years. And now we have the "Legends of Ireland's Heroic Age," the stories of our country's youthhood, half fact and half fable, but all poetry; for the world was then fresh and young, and men were as gods, exulting in their strength: there was no philosophy, no clouding cares, or cramping civilization; but hand was strong, and eye was keen, and foot was swift and sure, and more than all there were bards to sing as well as warriors to fight. So it was when Homer roamed through the towns of Ionia; so it was when Horatius "kept the bridge in the brave days of old," and so it was in Ireland before the Christian era, when the

Amazonian Meave kept her court on the green slopes of Rath Cruachan, and the Red Branch Knights held high revel in the halls of Emania. To this period belongs the famous "Tain," or Cattle Spoil, which holds the same place in the heroic history of Ireland as the Argonautic Expedition, or the tale of "Troy divine," did in ancient Greece.

The story of the "Tain" is retold in the "Foray of Queen Meave," to which "The Sons of Usnach" forms a kind of poetic introduction. The third poem in this volume, "The Children of Lir," belongs to an earlier period of Ireland's history—

"Ere yet great Miledh's sons to Erin came,"

and narrates the melancholy fate of the four children of Lir changed into swans by the mighty magic of their wicked stepmother, and doomed to wander over lake and sea for thrice three hundred years, singing their tale of woe :—

"Till comes the Tailkenn, sent to sound the knell
Of darkness, and ye hear his Christian bell."

Nowhere do we remember to have read anything more touching and more sweetly harmonious than this enchanting poem. You might fancy the author caught up the sweet song of the enchanted swans by Darvra's lonely lake, under the starlit sky :—

"And ever, when the sacred night descended,
While with these ripples on the sandy bars
The sighing woods and winds low murmurs blended,
Their music fell upon them from the stars ;
And they gave utterance to that gift divine
In silver song, or anthem crystalline."

The "Foray of Queen Meave" is a loftier and more ambitious, but certainly not a more beautiful, poem. If Hector was fortunate in finding a Homer to be the herald of his praise, we may likewise congratulate Cuchullain, the Hector of Ancient Erin, on the noble poem in which his god-like deeds are so vividly described. It is a lofty theme, and the author's language well befits the stately march of his adventurous song. We regret we cannot give a lengthened analysis of these poems; we can only recommend our readers to judge for themselves. The work will not only repay a cursory reading, but careful study. These poems can well bear comparison with any amongst the "Idylls of the King;" the language is chaste, elevated, and harmonious; the music is rich; the action is rapid and interesting.

We hope this charming volume will become familiar to all classes of intelligent Irishmen, and we think it might be studied in our Intermediate Schools with quite as much profit as anything in Scott or Milton.

History of England from the Wars of the Roses to the present time.

Edited by THOS. J. LIVESAY. London: BURNS & OATES.

This is the third number of the Granville History Readers. It deserves all, and more than all the praise we have been able to give a former number. The History is perfectly fair and impartial. Whilst justifying Catholics where they have been badly treated, it does not hesitate to condemn them where they have merited censure. The style is simple and admirably suited to children, especially such as are being trained at home. There are some well-selected extracts from the poets interspersed through the volume, and an additional advantage will be derived from the engravings. Parents will find the book very useful and interesting for their children.

Mc.

Lectures and Discourses. By the Right Rev. J. L. SPALDING, D.D., Bishop of Peoria. New York: THE CATHOLIC PUBLICATION SOCIETY CO.

We have received this handsome volume from Messrs. Gill and Son, agents for Ireland. The work is excellently brought out, the paper, printing, and binding, being of the best. There are twelve lectures on religious and doctrinal subjects, such as religious indifference, faith and science, the Catholic Church, the Christian religion, the rise and fall of Protestantism, &c. It is needless for us to say that the eminent author does full justice to each subject, and that both clergy and laity will find amusement and instruction in these lectures.

And yet we think it would not be fair or honest to say this much without mentioning also, with all due respect, our opinion that some things might be amended. For instance, all will not agree that "it is indubitable that God and the soul are the first truths given in consciousness" (p. 20), or that "God's existence is a part of human consciousness" (p. 68). What consciousness testifies is immediately known to all; but the ablest and holiest men have always held that we have no immediate knowledge of God's existence. It is true that the other theory was recently put forward, but its supporters were always few, and it is now entirely abandoned.

Again, we are of opinion that, in writings of this kind, such words as *faith* and *belief* should be used accurately. In each of them is implied an acceptance of the testimony of others. Hence we object entirely to such expressions as the following:—

"The uniformity of nature, if we take the matter rigidly, is not known to us; we believe in it, and without this invincible faith the springs of action would break," p. 70.

"The materialist does not know there is no God. At most he can but believe there is none. Whatever theory of the universe

we may adopt, it is through faith that we reach our judgment as to what is the transcendent reality which lies behind phenomena," p. 72.

It may or may not be correct to say that we are not able to account logically for why we assent to certain truths, such as that natural causes are uniform in their action. Or again, we may say that materialists can never be sure there is no God, but at most can only doubt. But to apply the terms *faith* and *belief* to such acts and states of the mind, in a philosophical lecture, is surely misleading.

With regard to faith we would, moreover, suggest that writers and speakers ought to be more on their guard lest they should be understood to say that an act of faith is a leap in the dark. Take this passage in the beginning of the second lecture :—

"Religion must assume what we cannot comprehend, and for the acceptance of which consequently we can furnish no reasons that will clear away all difficulty. What is God? What is His life?" &c., p. 42.

But who *assumes* the existence of God? It is true we prove certain truths which we cannot comprehend, but that is not an assumption. Even when we do assume our own capability of knowledge and other first principles, it is a *rational* assumption, and this, if touched upon at all, should be carefully explained.

The lectures suggest many useful thoughts, and put old difficulties in new lights, and will well repay perusal. Mc.

An Essay on Masses for the Dead and the Motives for having them Celebrated. By the Rev. A. A. LAMBING. Notre Dame, Indiana: AVE MARIA PRESS.

In his introduction the author writes :—"The aim of the present essay is fully expressed in the title. It is not doctrinal, much less controversial, nor does it profess to treat of devotion to the souls in purgatory in general; it is strictly confined to a statement and explanation of such motives as are calculated by their nature to impress upon the mind of the pious reader the importance, if not the necessity, and the advantage, if not the duty, of having Masses, or at least more Masses, celebrated for the repose of the souls of our brethren of the Church suffering. Much will doubtless be said which, it is hoped, will tend not only to foster devotion to the souls in general, but also to excite the faithful to particular practices in their behalf. . . Explanations and commentaries upon the teaching of the Church will be introduced in so far only as they are necessary to a proper understanding of the subject."

He then explains why it is that he directs attention almost exclusively to Masses as a means of relieving the suffering souls. The principal reason is, because, whilst other means are frequently advocated, pastors hesitate to recommend the offering of Mass, lest

they should be thought to be influenced by mercenary motives. This difficulty has been felt by all priests. If Father Lambing's essay could be put into the hands of the laity it would do a great deal to enlighten them in this matter; but for clergy or laity it contains an amount of useful information.

A good deal of the essay is made up of extracts from approved writers, and this for two reasons. "First, because in a matter in which so much is involved in mystery, the writer prefers to give the opinions of the learned in their own words rather than to attempt giving them in his. All the authors quoted are such only as are entitled to the reader's entire confidence—St. Leonard of Port Maurice, St. Alphonsus Liguori, Cardinal Bellarmine, Fathers Faber, Maurel, and Coleridge. . . . Secondly, the writer hopes that the extracts presented may so please some at least of his readers as to induce them to procure and read the works entire from which they are taken."

Mc.

Half-hours with the Saints and Servants of God. By CHARLES KENNY. London: BURNS & OATES.

The compiler tells us that Charles Knight's "Half-hours with the best Authors" suggested the title of this volume. The matter is taken mostly from Père Houdry's *Bibliothèque*; and though the short edition of that work is now within reach of all priests, yet those who have not got it will find a great deal of matter for sermons and instructions in this volume. Most of the good and wise sayings that ever fell from the lips and pens of holy men will be found here. There are half-hours on almost every subject, and in each many excellent hints are to be got which must be of great utility to preachers.

There is a short preface by the Rev. W. T. Gordon, Provost of the Oratory, whose words will most accurately convey an idea of what the book is. "The extracts are made from writers of every age, from St. Augustine down to our own Father Faber, and many of the quotations are from books quite out of the reach of ordinary readers. Moreover, the editor has wisely added a short account of the life of the saint or servant of God, whose work he quotes, and this not only adds much to the interest of the work, but may lead those who have time at their disposal to cultivate a taste for solid reading. They will learn the beautiful thoughts of men whom they have hitherto known only by name, and they will become anxious to know more of the history of their times, and of the circumstances in which they wrote."

Mc.

Enchiridion Clericorum, &c. By the Author of "Programmes of Sermons," &c. Dublin: BROWNE & NOLAN.

A glance at the Table of Contents, and a hurried look into the treatment of a few of the subjects mentioned therein, convince us

that it would not be fair either to our readers, or to the author, to dismiss this book with the brief notice to which we should of necessity confine ourselves in the present number of the RECORD.

We shall merely say for the present that as far as we have had an opportunity of examining it, the book is all that its title implies, and all that our readers can desire in such a work.

We beg to thank the learned and experienced author for this new proof of his untiring zeal in a most laudable cause, and this new pledge of the keen interest he takes in the best interests of his brethren in the ministry. We shall return to the subject in our next number.

Ed.

We have received for Review the following Books :—

From MESSRS. BROWNE & NOLAN—

The Writings of Cardinal Cullen. 3 vols. Edited by Most Rev. Dr. MORAN.

Enchiridion Clericorum. By the Author of Programmes of Sermons.

From MESSRS. GILL & SON—

A Saint among Saints: A Sketch of the Life of Saint Emmelia, Mother of St. Basil the Great. By S. M. S.

The Spirit of Saint Francis De Sales. By Monseigneur CAMUS, Bishop of Belley. Translated from the French. New Edition, Revised.

Poems, Original and Translated. By H. J. D. RYDER, of the Oratory.

Moore's Irish Melodies, with Pianoforte Accompaniments, Complete Edition.

Edmund Burke: On Conciliation with America, and Two Letters to Gentlemen of Bristol on Trade with Ireland. With an Introduction by VINCENT SCULLY.

Irish Pleasantry and Fun: A selection of the best Humorous Tales by CARLETON, LOVFER, LEVER, and other Popular Writers. With Sixteen Coloured Illustrations. By J. F. O'HEA.

From MESSRS. BURNS & OATES—

The Dublin Review. July 1882.

The Granville Reading Book. Part IV.

The Catholic Child's Complete Hymn Book.

The Office of the Holy Ghost. By CARDINAL MANNING.

Secret Societies: a quiet talk about them. By W. H. ANDERDON, S.J.

THE IRISH ECCLESIASTICAL RECORD.

SEPTEMBER, 1882.

A QUESTION IN CLANDESTINITY.

IN Gury, Part II., n. 839, it is asked:—"Is marriage validly contracted by those who leave a locality where the Council of Trent is received, and enter into the married state in a place where the Council is not received?" The ceremony is supposed to be clandestinely performed, and Gury's answer is, that if a domicile or quasi-domicile be acquired, the marriage is valid, whether the contracting parties leave *in fraudem legis* or not, but invalid if they leave to evade the law, and fail to acquire a quasi-domicile.

Now, this answer is good as far as it goes; but it does not go far enough. We are not given a complete solution of the difficulty. For what are we to hold if the parties, without any intention of evading the law, leave a parish where the decree "Tametsi" is published, and contract clandestinely where it is not published, without having abandoned their old abode or acquired a new one? Is such a marriage invalid as well as illicit? This is the point on which Gury, like so many others, is silent. For the partial answer which he supplies, he had the decisive authority of Urban VIII.'s decree; but it may be fairly questioned whether that instrument in any way touches the portion of the question which he passes over, and which is, after all, a matter of no mean importance. The omission is to be attributed perhaps to the brevity of a compendium, perhaps to inadvertence, possibly to the conflict of theological opinion on the point; but whatever the cause was, it did not influence Gury's editors with equal force in the same direction. Both

Ballerini and the Ratisbon editor have noticed the defect, and each is prepared with his own solution of the difficulty. It is unfortunate they disagree, and to the extent of holding directly opposite views. The former citing many theologians and canonists of name, holds for validity; the latter claims the invalidity to be manifest from a decree of the Sacred Congregation of the Council, ratified by Urban VIII. and Benedict XIV.

Opinions so widely different coming from such men, lead us at once to examine the arguments adducible on either side; and these, as we might naturally expect in treating a subject like this, are taken from three sources:—

1. The general principles of law as applied to this particular law of clandestinity;
2. The decisions which have from time to time emanated from the Sacred Congregation with Papal approval;
3. The authority of theologians and canonists.

I. To take the last first; some theologians have not discussed the question at all; some have discussed it, and kept back their own opinions; and some there are who have not been consulted: still, the following list of names may be taken as fairly indicating the authority on one side and on the other. For the validity:—Sanchez,¹ Pontius, Bannez, Aversa, Coninch,² Castropalao, Wiggers, Struggl,³ Salmanticenses,⁴ Henno,⁵ Ferraris,⁶ Reiffenstuel,⁷ Schmalzgrueber,⁸ De Castillo, Engel, Barbosa, Mazzotta, La Croix,⁹ Escobar,¹⁰ Billuart (as more probable), Feije (as more common), Mansella. For invalidity:—Concina, Konings,¹¹ Kugler (as more probable), Carrière,¹² Bailly, Scavini, Charnes, Dens, Heiss¹³ (as much more probable, but much less common), and Burgt.¹⁴

Benedict XIV. is sometimes quoted in favour of the second opinion; but it does not appear that he anywhere discusses the question at issue. So also the authority of St. Liguori. But it is pretty plain that St. Alphonsus expresses no opinion on either side. Obviously, in n. 1080, the case he deals with is one of evasion; for, in favour of the view put forward, La Croix and the Salmanticenses are

¹ Lib. iii., Disp. 18, n. 29.

² De Matr., Disp. 27, n. 14.

³ De Matr. Quaest. iii., Art. xv., n. 180.

⁴ De Matr., cap. viii., n. 21.

⁵ Disp. Ult. Art. vii., Petes 3.

⁶ Impedm. Art. ii., n. 110.

⁷ L. iv., t. 3, n. 123. ⁸ L. iv. t. 3, n. 110. ⁹ L. vi., Part iii., n. 712.

¹⁰ L. xxv., Dub. L. xxvii.

¹¹ P. 728, Resp. 2.

¹² 1193-4.

¹³ P. 174.

¹⁴ P. 254.

cited as against Sanchez. Now La Croix and the Salamanca-tenses go with Sanchez for validity in the case we are discussing, and draw back from him only where the latter would extend the same teaching to cases of evasion. The conclusion is easily drawn. St. Liguori deals with some point on which these authorities are not agreed; but the only point of disagreement is that of *fraus legis*. Therefore the case of evasion, and not our question, was the exact issue before St. Alphonsus.

A glance at the above analysis of theological opinion is enough to show that the great weight of authority is in favour of validity. And it should be borne in mind that Struggl, and the other theologians who come after him on the list, had before them the decree of Urban, and that many of them state expressly in regard to it, that the Pontiff, so far from settling the question, did not in the least touch on the matter at issue.¹ On the other hand, the negative opinion has had a fair following, especially since Carrière wrote his treatise. These theologians either hold the obligation to be *purely personal*, or more commonly, to be *personal in the fullest sense as well as local*, and their contention is that the decisions of the S. Congregation are so plainly in their favour as to make the explanation of legal maxims, and the quoting of theologians, useless and unmeaning.

There would be some convenience in briefly stating here the principles of law which are brought to bear on the solution of the difficulty; but as those who hold for invalidity look upon the matter as decided by the responses from Rome, we deem it better to take up these documents and examine them in the first instance. Afterwards, if we find that the answers of the S. Congregation are not decisive—that the ordinary law has not been overruled—we shall be in a better position for applying the accepted doctrine of the law-treatise to untie this knot. What then is the construction put upon the Tridentine decree by that authority whose interpretation is as binding as the legislation of the Council itself?

II. After the decree “Tametsi,” the most important document in connection with this whole subject is an answer given (in 1626) by the S. C. C. to three questions proposed by the Archbishop of Cologne. The questions were the following:—1. “An incolae tam masculi quam

¹ Cf. La Croix, and Lugo Resp. Mor. L. i. Dub. 36.

feminae loci in quo Concilium Tridentinum in puncto matrimonii est promulgatum et acceptatum, transeuntes per locum in quo dictum Concilium non est promulgatum, retinentes idem domicilium, valide possint in isto loco matrimonium sine parrocho et testibus contrahere?"

2. "Quid si eo praedicti incolae tam masculi quam feminae solo animo sine parrocho et testibus contrahendi se transferant, habitationem non mutant?"

3. "Quid si iidem incolae tam masculi quam feminae eo transferant habitationem solo animo ut absque parrocho et testibus contrahant?"

The Congregation replied, "Ad primam et secundam respondit non esse legitimum matrimonium inter sic se transferentes et transeuntes *cum fraude*." "Ad tertiam respondit nisi domicilium vere transferatur matrimonium non esse validum." On receiving this response, the Archbishop besought Urban VIII., the reigning Pontiff, to confirm it by his Apostolic authority. This the Pope did, by a brief expedited on the 14th August, 1627.

Such is the celebrated decree of Urban VIII., which proved the fruitful source of so much controversy in after times. On it, as upon a main support, those who agree with the Ratisbon editor have always relied: Manifestly, they say, the Archbishop's first question is the precise question we are discussing, and no less manifestly the answer given was negative. The reply, however, to such reasoning is obvious. In the first place, it might be at once denied that the first question put by the Archbishop of Cologne is our question; but waiving this for the present, the Congregation gives no answer whatever to the first question as it stands. On the contrary, what the cardinals do is to group together the persons referred to in the first and second question, and declare broadly that their marriages are invalid if they go out *in fraudem legis*. In doing so, as Lugo remarks, they use a precise expression, *in fraudem legis*, which was not contained in the questions, to define accurately the invalid marriages, and distinguish them from those which were valid. Any one may draw the conclusion by declaring marriages tainted with fraud invalid, in the circumstances the Congregation implicitly declares marriages free from fraud to be free from nullity also.

To this there is no particular objection, if it be admitted that there always is fraud in the case made. Such is the actual contention of Ballerini's opponents. In their view, a material evasion has attached to it the penalty of invalidity,

and at the very least a material evasion is always present. To support this position, they rely chiefly on Benedict XIV. The first argument is taken from his Ecclesiastical Institute (33), where he appears to say that in every case there is "*fraus in parochum*." But plainly he supposes the contract to be entered into in a parish where the law is promulgated.

The second is much weightier. It may be taken either from the Ecclesiastical Institutes or from his letter to the Archbishop of Goa. In both, after quoting Urban's decree, he draws the following conclusion:—"Facile intelligitur matrimonia primo et secundo loco exposita irrita et nulla ab eadem Congregatione decerni eo quia *fraus* interceserat." Two things seem to follow. First, to the mind of Benedict XIV. the S. Congregation pronounced such marriages, as the first question regarded, invalid. Secondly, as he accounts for this fact by assigning fraud as the cause, and as material evasion was the only fraud that could be present, material evasion suffices fully, as well as formal evasion, to constitute that *fraus legis* which occasions invalidity.

The argument is undoubtedly forcible, and can perhaps be best met by showing that the Pope did not speak of mere material evasion. In his work *De Synodo*,¹ he lays down the common doctrine in regard to the exemption strangers (*peregrini*) enjoy from the obligation of observing the laws of their domicile. This done, he assigns, as an exception, the case of strangers who leave *in fraudem legis*. Whether his teaching be correct or not in this particular is little to our purpose; what does concern us is, that in laying down the exception, he explains what he means by *fraus legis*, and cites, to exemplify his meaning, the case of those who leave their territory *with the intention* of contracting clandestine marriage, where the decree of Trent is not in force. This makes the sense in which he uses the phrase unmistakable. He also instances the act of those who go out *in fraudem reservationis peccatorum*, and concludes by saying *fraus legis* is present when a person leaves "*solo animo legem eludendi*." For *fraus legis*, then, Benedict XVI. requires an intention to defeat the law.

Indeed, it is true to say that with the exception of a few recent authors, who suggest the other sense to support their opinion on this particular point, scarcely any theolo-

¹ Lib. xii., cap. iv., n. 9.

gian or canonist of name designates as *fraus legis* the mere fact of being outside a person's parish. To merit this name, an intention to evade the law is required alike by common sense, propriety of language, and scientific usage.

But if Benedict XIV. understood *fraus legis* in its only proper sense of formal evasion, how could he suppose the existence of a fraudulent intention on the part of those to whom the first question proposed by the Archbishop of Cologne referred? Several replies suggest themselves. And first of all, it is enough that this great Pope uses the phrase, *fraus legis*, in its proper sense, and states that it was because of *fraus legis*, and therefore because of formal evasion, the Congregation declared the marriages invalid. Again, plainly his words, "matrimonia primo et secundo loco exposita," mean the same thing as "ad primam et secundam, matrimonium inter sic transeuntes et sese transferentes," in the response of the S. Congregation, and we have seen how that answer does not necessarily imply an intention of defeating the law in those to whom the first question refers. Finally, does the wording of the first question necessarily exclude formal evasion? By no means. If we suppose the persons to whom it refers to leave for many reasons, the chief of which is to evade the law, we have, on the one hand, the *fraus legis* to which invalidity attaches, and on the other this query remains quite distinct from the second, by the terms of which, the parties leave *solely* to defeat the decree. In any case, whatever was the meaning of those who framed the question, the S. Congregation might have adverted to the construction we have suggested as possible, and given a reply that would be applicable; or at least Benedict XIV. seeing that formal evasion was not necessarily excluded by the terms of the first question, and that the S. Congregation pronounced marriage invalid in every case of formal evasion, unless a domicile or quasi domicile had been acquired, might assuredly make the statement—"facile intelligitur matrimonia primo et secundo loco exposita irrita et nulla ab eadem Congregatione decerni eo quia fraus intercesserit"—without in anyway implying that material evasion constituted true *fraus legis*. Two conclusions clearly follow. The first is, that in those marriages *fraus legis* is the invalidating cause. The second is, that neither the decree itself nor the words of Benedict XIV. supply an argument for calling by that name the fact of one's being outside his own

parish where the decree is in force, and in another where it is not received, unless the fact be coupled with an intention to defeat the decree.

We now come to another document, which ranks next to the decree of Urban in the history of this controversy. We have alluded to it already. It is no other than the oft-quoted letter of Benedict XIV., addressed in the year 1758 to Antonius Taveira, Archbishop of Goa, Lord Primate of the East. The importance of this document can scarcely be overstated. It contains and confirms the decree of Urban VIII., deals with the subject-matter, questions, and answers of that decree, and proclaims the *menstrua-habitatio* doctrine in connection with quasi-domiciles. To it the Sacred Congregation has, time after time, referred prelates, chapters, and confessors; and to it, also, those who decide the question before us in the negative have always triumphantly appealed. With the comment which Benedict XIV. makes in it on Urban's decree, we have already dealt; we proceed to consider what further light the earlier portion of the letter throws upon the controversy.

Goa was in the middle of the eighteenth century, as it now is, an important See. The decree "Tametsi" had been promulgated long before 1754, the year in which Antonius Taveira wrote to Benedict XIV., but many of the inhabitants, as the Archbishop bitterly complains, managed to set the law at defiance; for when they wished to get married, instead of going through the ceremony before a priest and two witnesses at Goa, they, on various pretexts, left Goa, went to the neighbouring districts of Sunda and Quittur, where the Council was not binding, and there contracted before a Missionary, who, as it appears, had no licence to assist at such marriages. This practice grew into an intolerable abuse, and it was to procure a remedy for such a state of things that the Archbishop penned the communication, which elicited in return the celebrated "Epistola ad Archiepiscopum Goanum."

Now, the question at once suggests itself—Did those subjects, of whom the Archbishop speaks in his letter, go out in *fraudem legis* or not? Two passages from his letter prove clearly that he spoke of those who left his territory to defeat the law, and of them alone. The passages are: "Ad quem (missionarium) *dolose* se transtulerunt dicentes, se velle ibi novum domicilium acquirere, sed contracto matrimonio statim ad patriam convolarunt," and "Opus esse mihi videtur sanctitatem tuam meis precibus inclinatum

declarare nulla esse talia matrimonia, prouti olim declaratum fuit a S. Congregatione Cardinalium approbante sanctissimo Domino Urbano VIII., 14 Augusti, 1621, ad instantiam Archiepiscopi Coloniensis; ut refert Schmalzgrueber.¹ The first quotation requires no comment; the second is equally decisive when we remember that the purpose for which Schmalzgrueber cites Urban's decree is to show that whereas marriages free from fraud are valid, marriages tainted with that stain are null and void.

The Archbishop therefore spoke of those who left his diocese to defeat the decree. And, what is of more importance, this is the sense in which he was understood and answered by Benedict XIV. Let us see, at length, the Pontiff's understanding of the issue raised by Antonius Taveira. The Pope's letter runs thus:—"Cum vero diocesi tuae finitimus sit locus quidam Sunda vacatus ubi nonnulli missionarii sacerdotes . . . contigit aliquando atqui nunc etiam contingit ut quispiam *difficultates prænoscens* quae matrimonium fortassis impedirent, quotiescunque in tua diocesi contrahendum foret, ab *eadem decedit una cum muliere* atqui Sundam pergit ubi neque receptum neque promulgatum fuit concilium Tridentinum, ibique coram missionariis matrimonium contrahit, ac subinde regrediens ad diocesim tuam validum esse contendit eo quia matrimonium non alibi nullum esse reputatur praeterquam iis in locis in quibus Concilii decretum receptum ac publicatum fuit." Could the act of those who leave to evade the law be more fairly described? Well, the next sentence is this:—"Haec est quaestio de qua nos interrogasti ut normam praefiniremus quomodo in ejusmodi matrimoniis gerere te oporteat." And, further on:—"Petitionibus tuis recta responsa dare non omittemus." Let us see the nature of these responsa. He begins by vindicating the right of the Apostolic See to decide questions of difficulty, such as the one proposed, and then plunges in medias res at once. The first thing he does is to dispose of his adversaries. Who are they? We saw already how the Pontiff had before him a fraudulent evasion of the Tridentine decree, and, this being the case, as we might naturally expect, he at once singles out for refutation Sanchez and his followers, who held that the intention of defeating the law did not invalidate subsequent marriage—"Thomas Sanchez defendit validum matrimonium initum in loco ubi promulgatum non fuerit Tridenti-

¹ Lib. iv., t. iii., n. 112.

num Concilium quamvis ille qui contrahit, domicilium habeat in loco ubi Concilium receptum est, ideoque decesserat ut eas difficultates aufugeret in quas incideret vel in quas incidere se posse rebatur si matrimonium ibidem contrahere voluisset." To meet this doctrine, the Pope states that there is no want of authority on the other side, that many theologians teach the opposite opinion, which holds, "nullum esse matrimonium ab eo contractum qui ad *evitandas difficultates* in quas incidit vel incidere se posse veretur si matrimonium ineat in loco domicilii ubi viget Tridentina lex transit ad locum ubi promulgatum non fuit adeoque neutiquam recepta, et post initum matrimonium domum suam revertitur." A long list of theologians follows.

Now, it will be admitted that, so far, the only question before the Pope is a fraudulent evasion; but he goes no further, he discusses no other question in this connection. The very next thing he does is to cite Urban's decree as decisive against Sanchez, and therefore equally decisive on the difficulty he wished to solve. The meaning which Benedict XIV. attaches to *fraus legis* is thus placed in still clearer light. He uses the expression in only one sense, its ordinary meaning of deliberate evasion. This is the only fraud he was consulted about, and of this and of no other does his letter speak. No wonder then, if, after confirming the decree of Urban VIII., he describes his own action in the following words:—"Nos arbitramur petitioni quam proposuisti in epistola die 18 Decembris, 1754, ubi normam quam sequeris commonstrari tibi cupiebassi contingant uti paulo ante dicebamus matrimonia eorum qui *ad evitandas difficultates* in quas vel offenderant vel offensuri erant si matrimonium in tua diocesi celebravissent transeunt ad finitimum locum in quo coram aliquo missionario matrimonium contrahunt, deinde vero ad eam regionem ubi verum domicilium habent revertuntur."

The conclusion from all that has been stated is, that Benedict XIV. was asked about fraudulent evasions, and that he answers the difficulty proposed, and no other. Nor let it be urged from the other side that the Archbishop had Urban's decree to fall back on, if his question was what we state it to have been. Here is his own account in almost his own words:—"A new decision declaring, like the decree of Urban, such marriages invalid, is absolutely necessary to save the law of Trent from utter neglect." We need not pause to inquire further into the Archbishop's

reasons for this statement, and, with one observation, we pass to another portion of the subject. The observation is this. For those who hold that the fraudulent intention of the parties has nothing to do with the solution of this question, that everything depends on acquiring a quasi-domicile, it must be somewhat perplexing to notice the importance attached by Benedict XIV. to the presence or absence of fraud. If their opinion were correct, the intention of the parties one way or other should be a matter of little moment, and the Pope should simply have replied that everything depended on acquiring a quasi-domicile. But he acts very differently. Although the acquisition of a quasi-domicile would secure validity even in case of fraud, the Pope is careful to state that, failing a quasi-domicile, the reason why Urban declared the marriages invalid was *because of fraud*. He might have stated in all correctness that these marriages were invalid because a quasi-domicile had not been acquired, but by assigning the real cause of invalidity, "*fraus legis*," he distinguishes between two classes of marriages, between those which are, and those which are not, tainted with fraud, and he makes the question of validity or invalidity hinge on this distinction. It is worth adding that Benedict XIV. here speaks of a domicile being acquired *admissa etiam fraude*? Could a domicile be acquired *sine fraude*, if material evasion constituted *fraus legis*?

We come to examine some other decisions which have been given by the Sacred Congregation and are said to be in favour of Ballerini's opponents. Heiss has the following:— "In Antverpiensi die 16 Dec. 1628, in qua David et Maria qui pridem habitaverant ubi concilium est publicatum, cum profecti essent ad oppidum distans itinere unius diei, ubi non erat publicatum concilium, ibi more hæreticorum contraxerunt matrimonium; postridie domum reversi, cum diu inter se cohabitaverant, ob dissidium natum instabant declarari matrimonium invalidum. Censuit Congregatio matrimonium ut supra contractum esse nullum, quia non reliquerunt locum proprii domicilii." Heiss thinks there was no fraud in the case. But on the contrary, does not the whole proceeding appear a deliberate attempt at evasion?¹

Perrone (De Matrimonio Christiano) says, the Sacred Congregation, answered in 1841, "*non constare de validitate*," when asked about a marriage contracted "*a duobus*

¹ L. ii. c. vii. p. 265.

Gallis Londini post octo aut decem dierum commorationem coram missionario apostolico." Probably the cardinals could not be certain of the absence of fraudulent intention.

In 1640 the Sacred Congregation decided "non valere matrimonium contractum coram parcho loci ubi contra-hentes reperiuntur non animo domicilium ibi acquirendi." But the marriage is supposed to be contracted in a parish where the Council of Trent is promulgated.

It were useless to cite other decisions. Many are given at length in the *Acta S. Sedis*, but they are of the same character as those already quoted, and are therefore not to the point.

This perhaps is the place to mention a document which at first sight at least seems to be strongly opposed to Ballerini's view. We have seen but a manuscript copy, and can vouch for the genuineness of the original only to the extent of the following particulars. More than twenty years ago Dr. O'Hanlon, who was at the time Prefect of the Dunboyne Establishment in Maynooth, gave extracts from the document to the students of his class. Before doing so, the Prefect stated that up to that time he had always held the validity of marriages contracted *sine fraude*, but that he was convinced of the opposite opinion by a Rescript of the then reigning Pontiff to Dr. O'Connell of California. He then dictated from the Rescript: "In confesso est apud omnes quod lex Tridentina est simul personalis et localis; in quantum est localis obligat omnes omnino in loco ubi viget; in quantum est personalis obligat omnes etiam qui habent domicilium vel quasi-domicilium in loco ubi recepta est Tridentina lex et volunt contrahere in loco ubi non viget."

This is undoubtedly pretty strong. Still we cannot look upon the matter as by any means settled. Recent authors make no mention of this rescript, and Mansella, whose book is fresh from a Roman printing-press, and whose attention could scarcely fail to have been directed to such a document, holds for validity without any hesitation. Then, too, the decision is not so much in favour of one side. For instance, "omnes" in the third clause may admit the exception of those who leave *sine fraude*, just as a stronger phrase, "omnes omnino," in the second clause, is consistent with the exemption, in some places, of heretics from the obligation. Besides, "omnes" is not put directly with "qui habent domicilium;" the wording is—"omnes etiam qui;" so that the last words may be taken to include only those who leave in *fraudem legis*.

So much for the decrees of the S. Congregation. They seem to leave the issue still doubtful. If, then, we make up our minds to consider the marriages invalid, our arguments must come from some other source. The only remaining source of argument is the application of legal principles. Our examination of them shall be brief.

III. The law of Clandestinity was enacted in the 24th Session of the Council of Trent, and by it those who attempt to contract marriage otherwise than in presence of the Parochus, or of some other priest having licence for this purpose from the parish priest or ordinary, and of two witnesses, are rendered incapable of so contracting, and if they presume to act against the law their contracts are invalid. Clandestine Marriages had always been illicit. What the Council of Trent did was to superadd the effect of invalidity. The decree, however, the Council goes on to say, has no binding force in a parish until thirty days have elapsed after its publication in that parish. A parish, therefore, in which the decree has not been promulgated is free from its invalidating effect, as free and as exempt as if the Council had never been held. In a word, the decree is law in some places and no law in others. Let us apply accepted rules. *Peregrini* are not bound by the laws of the place where their domicile is situated, unless in a few well-known cases, in which, by a legal fiction, the transgression is held to be consummated at their abode. *Per se* it is not even sinful to evade a law by leaving the territory where it has binding force. Against this it may be objected that those who go out *in fraudem reservationis peccatorum* cannot be absolved in a district where the sins are not reserved; and again, in this very matter of clandestinity, that those who go out *in fraudem legis* cannot contract valid marriage. The second objection, which is much the more important for our purpose, will be considered further on; as regards reserved sins, suffice it to say, that even if an ecclesiastical superior were held to possess jurisdiction over his subjects in the particular matter of absolution from sins when outside his territory, it would not follow that we should allow him power to make laws binding in similar circumstances.¹ The truth, however, seems to be, that the want of power to absolve is to be traced, not to any reservation made by an ordinary ecclesiastical superior, but to the action of the Church,

¹ Cf. Walsh, De Legibus.

which, while conceding to confessors in ordinary circumstances jurisdiction to absolve all comers from sins not reserved where the confessions are heard, refuses, for good reasons, to grant such power when penitents leave in *fraudem reservationis*.

On the other hand, strangers are likewise exempt from observing the laws of the place where they happen to be staying, if we except laws made by supreme authority in the Church, and some others which, *ex natura rei*, or from common law, they are expected to observe. Perhaps contracts would best exemplify the exception according to the axiom, "*locus regit contractum*."

From these rules and exceptions we should expect, (1) that English people sojourning in Ireland (*peregrini*) could not contract Clandestine Marriage validly, as the law binding in Ireland is enforced by the highest authority; (2) that Irish people sojourning in England could validly contract Clandestine Marriage, as they are in a territory where the decree is not in force.

However, these conclusions are far from being generally accepted. Those who hold with Carrière the obligation to be purely personal, reject both. Those who hold the obligation to be local and also personal *for all*, admit the first and reject the second. Finally, the theologians who agree with Ballerini admitting the first, distinguish the second. In other words, they hold the obligation to be local for all who are bound by the law, and personal as well for *one class* as for those alone who leave in *fraudem legis*.

At the present time the first deduction is everywhere received. In point of fact the decisions of the S. Congregation leave Carrière's opinion of a purely personal obligation destitute of probability. We must then select between Ballerini and his opponents. The law is certainly local; to what extent is it personal? This is the question with which we began, and from the general principles of law there would seem to be no obligation beyond the territory where promulgation has taken place. The contention on the other side is that through the medium of a domicile where the decree binds, a personal individual inability to contract without the presence of a parish priest and two witnesses is induced, which adheres to the individual as long as that domicile is retained. But manifestly this obligation may arise as in the case of vagrants (*vagi*), without a domicile, and where it does arise in conjunction with a domicile, what the latter does is to determine the parish

priest, before whom the sponsus and sponsa must give their consent. A broad distinction is to be drawn between two kinds of inabilities. To one class belong those which are personal and individual; for instance, an inability induced by a particular sentence of an ecclesiastical judge. Under the other are included general inabilities induced by law on all whom the law binds. An inability of the former class adheres to the individual wherever he goes, whereas one of the latter kind ceases when the inacting law ceases to have its binding force on a particular person. Schmalzgrueber is strong on this difference in connection with the very question we are discussing. Where the inability comes from a law it is idle to speak of it as sticking to a person as does his shadow. Certainly an Italian sojourning in Ireland may eat meat on Saturday. No sun, no shadow; no law, no inability. The domicile then is not enough.

But is not the law personal at least practically for those who leave in *fraudem legis*, and how is this to be accounted for, if we throw overboard the theory of inability induced through the medium of a domicile? The reply is obvious. A legislator like the Church enjoying universal jurisdiction, may, for reasons which it deems sufficient, compel persons belonging to a place where one of its laws is in force, to observe that law even in a strange territory where the inhabitants are under no such obligation. This course is evidently the proper one, if it be necessary to prevent an important law from being set at defiance. Now, there was every danger of this most important decree against Clandestine Marriages being set at nought, if persons could leave in *fraudem legis* a parish where it was promulgated, and contract, without parish priest and witnesses, where it was not received; whereas no such danger threatened the decree from the act of those who left without this fraudulent intention, or who left indeed with it, but were under the necessity of acquiring a quasi-domicile. Hence Urban VIII. singled out the case of fraud and declared null all contracts tainted with it unless a domicile had been acquired. It is by no means certain that even *these* marriages were invalid before the time of Urban VIII. Sanchez and nearly all the theologians of name who wrote before that Pope's decree, held them to be valid. Schmalzgrueber, writing long afterwards, takes occasion to say that prior to Urban's action, and looking to the principles of law, such contracts were most probably valid. Furthermore this great canonist explains

the whole proceeding in words of no uncertain meaning. His account of the motive Urban had in publishing his decree is, that "*lex utilis reipublicæ erat interpretatione adjuvanda.*" That is, Urban VIII., lest the decree "*Tametsi*" should be set at defiance, promulgated an *extensive interpretation* as binding as the law itself.

We have seen the *extent* of that interpretation. It reaches those only who leave *in fraudem legis*. Whether a more extended interpretation has since been made binding, we leave our readers to judge from the evidence before them. Should the case we have been discussing turn up in practice, the Holy See should be consulted ; but until its decision is made known, we are inclined to agree with Feije, who says he would not dare to pronounce such marriages invalid.

P. O'DONNELL.

WORDSWORTH.

FEW poets have passed, within so short a time, through all the stages between bitter hostility and extravagant praise as William Wordsworth. During the early part of this century he was the unfailing butt at once of Lord Byron and the *Edinburgh Review*. For some years before his death he was worshipped in a fashion scarcely less unreasonable. In our time a society, numbering many distinguished names, has been formed to guard the purity of his text and to interpret his wisdom ; and some of his more fervent admirers have no hesitation in placing him on the serene height occupied by Shakespeare and Milton. This ebb and flow of opinion is a familiar incident in the history of letters, and is, perhaps, a necessary prelude to settled judgments in literature and art. But in Wordsworth's case the contrasts have been very striking ; the extremes have been reached within a shorter interval than is usually allotted to the play of intelligent criticism. The worst has been said and also the best. The final verdict rests with a remoter posterity, but after the ample discussion expended upon his works we may fairly assume that Wordsworth has secured at least a high place among the classical poets of the English language.

It is remarkable that though Wordsworth was the central figure in a group of writers better known to us than any

in later literature, and though he gave rise to more than one critical dispute, it would not be easy to name any eminent man whose personal history is so little interesting. His life, apart from his writings, was singularly uneventful. The cast of his mind was too thoughtful and contemplative to allow him to take much pleasure in society, and his conversation, while doing no discredit to his general powers, ran too uniformly on his own poetry, and was too little enlivened by point and humour, to leave much food for pleasant reminiscence. His supreme confidence in himself kept him away from literary controversy. Had he been as sensitive as Pope to the persistent attacks of his critics, his life would have been more varied, if less happy; as it was, his days were passed in a noiseless calm, which leaves room for little more than the barest literary record.

William Wordsworth was born at Cockermouth in 1771. He was sprung from a family which, though less distinguished by brilliant gifts than the family of his friend Coleridge, has still maintained in high positions the honours of hereditary talent. His father was law agent to Lord Lonsdale, who wielded almost feudal sway over the Lake Country. From this connection the elder Wordsworth suffered pecuniary losses, afterwards nobly requited, but which left him embarrassed for many years after the birth of his famous son. He was, consequently, unable, at first, to give his children an education suited to their position, and Wordsworth passed his early youth in a plain country school near Penrith. To this circumstance he probably owed the bent of his genius. He seems to have learned little, but in his boyish rambles he conceived a love for natural beauty and for the traditions of rural life marked in every page he wrote. He afterwards spent some years in the Grammar School of Hawkshead in Lancashire, where he indulged in much discursive but well-selected readings, and composed his first verses. In 1787 he entered St. John's College, Cambridge. Though deeply alive to the venerable associations of Cambridge, his actual surroundings made no more favourable impression upon him than Oxford had made in the previous generation upon Gibbon. For the special studies of Cambridge he had no taste, and his imperfect training shut him out from the hope of winning classical honours. In those days too his aspirations travelled beyond the narrow limits of the University. He was under the influence of the only spell which ever disturbed the even tenor of his life. In the long vacation of 1790 he

started with a college friend on a pedestrian tour through France, Switzerland, and Northern Italy. All Europe was stirred by the French Revolution. The first scenes in the great drama had been enacted. The monarchy and the ancient Church of France still survived, both shorn of immemorial privileges, but destined in the opinion of many enthusiastic observers to endure more securely under new conditions. The prophetic warnings of Burke were already heard, but were at first regarded as the pleadings of a heated imagination. While grave statesmen were touched by universal sympathy, it was not wonderful that youths fresh from the rhapsodies of ancient poets should have seen, in events more absorbing than any in the whole range of mere human history, the new birth of the world. Many men, afterwards illustrious, were then in the springtide of life. Mackintosh, even in his youth remarkable for his varied learning, broke a lance with Burke himself. Southey, after writing a revolutionary epic, joined with Coleridge in a fantastic scheme, since tried more than once with ludicrous results, to establish a society, on the virgin soil of America, free from the restraints of artificial laws. No man was more affected by these dreams than Wordsworth. His earlier poems are inspired by the wild fancies of Rousseau, and his faith in impossible theories only yielded to the inevitable march of events.

In the winter of 1791 he spent several months in France. He listened to the debates in the Assembly and to the tirades of the Jacobin Club. On the banks of the Loire, where two generations before Goldsmith entered into all the thoughtless gaiety of France under the old Regime, he indulged with General Beaupuis, who died a few years later on the field of battle, in glowing anticipations of a reign of liberty and peace. In those days he was full of the Utopian schemes of the Girondists for harmonising irreconcilable conditions. The events of 1792 again hurried him to Paris. The Allied Armies were on the frontier. The Massacre of the Prisons had just taken place. Perched up "in a high and lonely chamber," Wordsworth for weeks together looked out upon the seething agitation of the great capital. He forecast from the wild frenzy he saw around, all the coming atrocities; but he was fascinated by the excitement, and, like Dr. Moore of Edinburgh, immortalised by Carlyle, he hovered dangerously around scenes of blood, and had at last to be hurried away by some friends who were alarmed for his personal safety. When he crossed the

Straits of Dover he left the illusions of his youth behind. For some years he clung doubtfully to the shreds of a broken ideal, but, like Southey, he gradually passed to the other extreme, and, though never aggressive, was, during the remainder of his life, a steady and unbending Tory.

The great Revolution which affected the destinies of the civilised world was coincident with a quieter revolution in the world of letters. In literature, as well as in political or social life, there are immutable laws, and conditions as changeable as the winds, as fleeting as a fashion. The true principles of art exhibited in the masterpieces of Greek genius, are consistent with varieties characterising ages and schools, and sharply dividing groups of writers from each other by specific distinctions of literary taste. In English, more than in other literatures, with less claim to originality, the predominant cause of each new change has been exerted from without. Twice did Italy inspire English poetry, once in the far-off days of Chaucer, again in the golden era of Elizabeth. French literature, though lying nearer, came later into the field, but it acquired greater weight. Its influence began with Dryden and his contemporaries, and culminated, so far as it affected English poetry, in the commanding influence of Pope. He brought to perfection the finish, the grace, the exquisite delicacy borrowed by his predecessors from Racine and Boileau. The circumstances of his, life as well as the tone of society, did little to tempt him to extend the narrow range of these great writers. But he scanned all the weaknesses and pettiness around him with the keen glance of Horace in the Roman Forum, and, while capable of sounding the deeper passions, confined himself for the most part to completing the work of Dryden—to giving satire its finest point and language its last perfection. Through the greater part of the last century he determined the general limits of English poetry, but the general limits only. At length the reaction came, a reaction much exaggerated by Macaulay, but still real and definite. The cultivation of German Literature, the publication of Percy's *Reliques* and the revived interest in mediæval history, the striking of a slightly new line by Cowper, the action upon every department of letters of the magnificent rhetoric of Burke, and the discussion of burning questions involving profound and mysterious issues, gave an expansion and intensity to every class of poetry unknown in the era then passing away. At first, as in all such revolutions, there was a period of extravagance and excess,

largely springing from the inflated language of political excitement, in which the balance of literary excellence received a rude shock. In no one was this more marked than in Wordsworth. His very earliest poems were indeed written in imitation of Pope. Even in his "Descriptive Sketches," published in 1793, there is little trace of wandering from the beaten track. His style was still in embryo. He was travelling about purposelessly with no settled means of livelihood, and no definite plans. The generous bequest of a friend, Raisley Calvert, who had an unfailing confidence in his genius, enabled him to make literature a profession. The spontaneous settlement of the old family claim by Lord Lonsdale made him independent. In 1797 he took up his residence at Alfoxden among the Mendip hills in Somerset and formed his life-long friendship with Coleridge. Together they planned the "Lyrical Ballads." The first volume appeared in 1797, and was met with a chorus of disapproval. An interval of two years elapsed before the second volume was published. During this period he travelled in Germany and wrote "Ruth" and some of his minor poems. The second volume of the "Lyrical Ballads" was given to the public in 1800, and was ushered in by the famous preface in which Wordsworth declared war against the artificial graces of the school of Pope. He arraigned the poetry of the eighteenth century as exhibiting scarcely one single image of natural beauty true in conception and expression. Like many similar indictments, this sweeping charge, while founded upon the prevailing tone of the poetry of Anne and the first Georges, does an injustice not so much to Pope as to writers of lesser fame. To see no fidelity to nature in the works of Thomson, Young, or Goldsmith, or in the charming lyrics of Collins, is as inadequate an estimate of their place in literature as it was unjust to suppose after the homely sympathies of the "Deserted Village" and the "Borough," that it was left to himself "to impart moral grandeur to poverty, and invest the objects of irrational and inanimate nature with a beauty and grace of which they had been long stripped by a heartless and false taste pretending to the title of delicacy and refinement." On a similar ground he attacked the elegance of language so much studied by the masters of the heroic couplet. Johnson gave Dryden credit for having enriched English literature by forming a "poetical diction at once refined from domestic use and free from the harshness of terms appropriated to particular

arts." From the first part of this view Wordsworth strongly dissented. He laid down the principle as the very keynote of his system, that the truest subjects of poetry are the incidents of ordinary life, the purest diction the language of unlettered people cleared from grammatical errors. This canon of taste, to which Wordsworth's best poetry is in flat contradiction, might have failed to excite a storm among the critics if he and Coleridge had not proceeded to give it effect in some of the weakest and silliest poems ever written by men of genius. Besides these there were, no doubt, many pieces in a higher order. But the weird fancy of the "Ancient Mariner" and the simple beauty of many of the shorter ballads could not relieve the prevailing tone of maudlin sentiment, and the exquisite parodies of the "Rejected Addresses" did little more than faithfully copy the serious absurdity of such infantile lays as "Harry Gill" and the "Man of Snow."

The "Lyrical Ballads" brought Wordsworth little remuneration, and exposed him to unsparing attacks, especially from the *Edinburgh Review*, which was started while the clamour against them was still at its height. For many years afterwards that famous periodical waged an unceasing war against a body of poets united more by personal friendship and the accident of locality than by any common character, but all treated as one, under the name of the "Lake School." Much of the criticism has now lost its point, much of it has been discredited by calmer judgment; but the name first applied in reproach has survived in honour. So far as it has literary significance, the designation covers the theory of the preface to the "Lyrical Ballads," a principle, as we have implied, largely modified in the riper works of Wordsworth himself. But the title has been preserved by a charm of its own. For the name of "Lake Poets," to whatever use it was put by carping criticism, originated in one of those accidental unions of literary men, which, whether in Mermaid Clubs, or Benedictine Cloisters, on the shores of Lake Lemman, dwell pleasantly in the memory, and give to genius the added interest of association.

In 1799 Wordsworth settled down at Grasmere among the scenes of his early youth. Within a space narrow, indeed, when compared with the wide range of Swiss or Italian scenery there is in the mountain district of Cumberland and Westmoreland a rare combination of natural attractions. Masses of hills thrown in endless confusion,

and presenting every variety of hue and outline, lakes nestling at their feet or winding through their rock-bound valleys, deep glens and bounding waterfalls, with here and there stretches of quiet woodland, all form a land of beauty surpassed in these countries only by the rugged grandeur and broad expanses of the Scottish Highlands, or the blending of the fairest gifts of nature in some favoured spots of our own picturesque island. Even now when it has become the haunt of tourists, the Lake district is shut out from the whirl and toil of ordinary English life; but before the fame of its adopted poets made it known to the outer world it was a perfect paradise of stillness and repose. The people themselves are suited to their surroundings. In Cumberland and Westmoreland the ancient Celtic race, resisting the successive inroads of Saxons and Normans, lived on among their guardian mountains and preserve much of the simplicity of life, which the Irish maiden, St. Beaga, found amongst them when she first rounded, in her coracle, the bold headland that still embalms the memory of her graceful life. In such a home Wordsworth realised his fondest wishes. He was not made for the busy hum of men. The quiet retirement, the changing moods of natural phenomena, all the illusions of sight and sound harmonised with the temperament of a poet, who was eminently the interpreter of nature, the prophet of fancy and meditation. These attractions and mutual tastes gradually gathered around him a society, rarely endowed with gifts of genius and culture. The near neighbourhood of Southey and Coleridge, of Wilson and De Quincey, added to charms sufficient of themselves to tie him to his chosen home. Some of his friends afterwards sought other scenes, but his changes, few in all, were within a narrow circumference. In 1808 he removed from Grasmere to Allan Bank, and in 1813 he finally fixed his residence at Rydal Mount, under the shadow of Helvyllin and commanding a distant view of the broad surface of Windermere.

In 1803 he was appointed Comptroller of Stamps for Westmoreland, and the income of the office relieved him from unpleasant anxieties and brought him more remuneration than up to that time, and for many years afterwards, he was able to derive from literature. In 1807 he published, in two volumes, some of his most beautiful descriptive poems. From his solitary retreat he was no indifferent spectator of the great struggle going on upon the Continent. The disgraceful treaty made between Sir Hew Dalrymple

and the French generals in Portugal, called forth his vigorous "Essay on the Convention of Cintra." In the excited discussions of that day it was little noticed and had no effect upon public opinion, but it has merits of such a high order that we cannot help regretting that Wordsworth did not oftener write in prose. In style and argument the "Essay on the Convention of Cintra" has, perhaps, been equalled by no political pamphlet since the death of Burke.

In the early part of 1814 he travelled in Scotland, and at the close of the same year he published his longest and most elaborate poem, the "Excursion." Two small editions satisfied the public of that day, and for many years few generous estimates were formed of what was, with all its faults, one of the greatest poems of this century. But public neglect had little effect on Wordsworth. He was a singularly self-contained man, with a profound consciousness of his own genius. Though committed to the theory of poetic art apparently leading by logical influence to the opposite conclusion, he had persuaded himself that immediate popularity was no test of merit, and he loved to dwell upon the small sensation created by the appearance of "Paradise Lost." The "Excursion" was followed by three poems, which would alone have made his reputation: the "White Doe of Rylstone" and his classical sketches of "Laodamia" and "Dion." In 1819 he startled the world by "Peter Bell." It is remarkable that a poem which has few merits and many glaring defects was the first of Wordsworth's works generally read, and though the critics were as pungent as ever, the publication of "Peter Bell" was the turning point in his career. Through the following years his new poems were well received, and the great works of his maturity were rescued at length from coldness and neglect. He passed from the admiration of a select few to take a foremost place in the literature of his generation. His later writings were, for the most part, occasional, but amongst them were many of his most exquisite and finished studies. Some of them too, like "Yarrow Revisited," were counterparts to earlier poems, and besides their own inherent claims recalled attention to the unheeded productions of his struggling youth and manhood. Public honours came to add to his general reputation. In 1839 he received the honorary degree of D.C.L. from the University of Oxford. In 1843 he was appointed Laureate. Soon after a still higher tribute was paid to his genius in the graceful

retractation, by Lord Jeffrey, of his severe criticisms in the *Edinburgh Review*. But these triumphs were tinged by inevitable sorrows. Through these later years he had to bewail one after another of the friends who had sustained him under disappointment and neglect. In 1831 he saw Scott, old and broken in spirit, about to start in the vain pursuit of health, to the cloudless skies of Italy; and in the well-remembered fancy of the aged poet himself, thought he could discern the "trouble" of approaching doom "Hang o'er Eildon's triple height." Coleridge, the first companion of his literary life, died in the succeeding year, followed within a short interval by one who from school days upwards had clung round Coleridge as the ivy round the oak, the most attractive of all the figures in that brilliant society—the genial and tender-hearted Charles Lamb. His very Laureate honours were wreathed in cypress, for they passed to him by the death of Southey who had, like himself, clung to the last to his home among the Lakes. A new generation, in full sympathy with his genius, had, indeed, sprung up to console him for the loss of the fair fraternity associated with his name. Amongst the occasional companions of his later wanderings was a young man, fresh from Oxford, who used to point out in vivid language to the veteran poet aspects of nature which had escaped his loving observation, and who was destined, in his opinion, to be one of the great lights of the future. That young man is known to us all as Father Faber. Lightened by the love and reverence of such men as Frederick Faber, and tended by the solicitude of a devoted family circle, his declining years were spent in quiet happiness and peace. At length, having attained a patriarchal age, he died in 1850. By his own wish—a wish, in his instance, reechoed by all his admirers—he was buried beside his friend Coleridge in the lonely churchyard of Grasmere, among the scenes immortalised in his noblest poems.

Within our limits it is not possible to do more than briefly glance at the poetry of Wordsworth. We have already implied that he wrote much especially in his youth that has not been able to stand the test of time. There is not an inconsiderable portion of his riper work, which Mr. Matthew Arnold very justly thinks can add little to his fame. He was often unhappy in his subjects, and sometimes his general plan when sufficiently well suited to be the frame work of true poetry was marred, as in the case

of Peter Bell, by ludicrous incidents. Hence every volume he issued from the press offered tempting opportunities to adverse criticism. But there is no poem of his without some characteristic excellence, and the most simple of his effusions, to use a word once applied so commonly as a reproach, throws some light on the growth of his powers. His literary reputation will, however, probably rest (1) upon his sonnets, (2) on a proportion of his descriptive and ballad poems, and (3) on the "Excursion."

The sonnet, borrowed by Wyatt and the unfortunate Earl of Surrey from Italian literature, has been acclimatised in the English language by a succession of the greatest English poets. It consists of fourteen lines only, but allows room for variety in its rhymes, and in the method of presenting the conception it embodies. Abstracting from fine drawn theories, for minute forms of verse are no more free from subtle distinctions than the gravest questions in philosophy, the leading thought is either developed through four successive quatrains, and applied in a final couplet; or it is unfolded in the first eight lines and the counterpart or application in the remaining six.

In both cases there is the division of a pause, but in the latter the pause occurring near the centre leads to a balanced arrangement, the sonnet, as a recent writer puts it, "breaking asunder like the acorn into the unequal parts of a perfect organism," while in the former the pause being reserved to the end of the twelfth line, the thought is sustained without a break, with the advantage of a more emphatic and sonorous close. Neither form wants the authority of great names. The continuous method, in itself a departure from Italian models, was adopted by Shakespeare; the octave-sestet arrangement, as it is technically called, was revived by Milton, and was very generally, though with some modifications, employed by Wordsworth. But whatever the metrical structure may be the essence of a sonnet consists in the expression of one central idea. When we bear this in mind, we cannot be surprised that some of the noblest sonnets, especially sonnets of a pathetic cast, have been written by men not otherwise devoted to poetic composition, but who, like Chidiock Tichborne or Walter Raleigh, both under sentence of death, uttered in one prolonged note of feeling the overpowering emotions of fated lives. In this class of poetry Wordsworth rules supreme. He is distinguished from all his predecessors by the number and variety, while

he is surpassed by none in the finish and beauty of his sonnets. He was naturally inclined to be discursive, but the limitations of a form of verse, controlled by stringent rules, checked his poetic flights and brought out the best qualities of his peculiar genius.

Up to his time sonnets were written in no connection, unless we are to adopt the view plausibly maintained by some writers, that those of Shakespeare are really the serial history of an episode in his life. However this may be, the sonnets of Milton, Drummond and their successors, were called forth by passing events or by sudden movements of sentiment or feeling. Many of Wordsworth's, too, were of the same class, amongst them, his famous sonnet, "On viewing London at early dawn from Westminster Bridge." But in two notable instances he has so dovetailed sonnets as to make them, while preserving their individual completeness, devote the sequence of historical events and an unbroken continuity in the description of natural scenery. In this way he has pictured the River Duddon. He lights upon its source high over Conistone Water in a "lofty waste," of lonely desolation, and traces in a series of exquisite sonnets, all the windings of its sinuous course, now tumbling from the mountain, now slowly wending through the plain, at one time laving the ruined Church of Ulpha, at another forcing its passage through haunted glens, or flowing smoothly through quiet meadows, until swelled by tributary streams and mingling its waters with the great ocean, it becomes the highway of world-wide commerce :

"Not hurled precipitous from steep to steep :
 Lingering no more 'mid flower-enamelled lands
 And blooming thickets ; nor by rocky bands
 Held—but in radiant progress toward the deep
 Where mightiest rivers into powerless sleep,
 Sink, and forget their nature—now expands
 Majestic Duddon, over smooth flat sands,
 Gliding in silence with unfettered sweep !
 Beneath an ampler sky a region wide
 Is opened round him : hamlets, towers and towns
 And blue-topped hills behold him from afar ;
 In stately mien to sovereign Thames allied,
 Spreading his bosom unter Kentish Downs,
 With commerce freighted, or triumphant war."

Each of the contrasted scenes suggests its own appropriate thought, while all together form a panorama of the Duddon from its source to the sea.

On a still larger scale, and with more varied points of interest are the "Ecclesiastical sonnets." They bring out the religious aspects of the whole history of England, and are imbued with a Catholic spirit rare among English poets.

In truth these sonnets by turning reflecting minds at a critical period to ages little understood, and by their hearty recognition of the claims of the Church, concurred with the kindred works of Scott and Coleridge, in stirring up the great movement which gave back to the religion of their forefathers so many gifted men. They present, it is true, another side. Cardinal Newman, in describing how the great Protestant Tradition, set up in the age of Elizabeth, had coloured the whole speech of the English people, written and unwritten, numbers among its ultimate consequences the silence of Pope, and the necessity which forced Wordsworth to atone for the Catholic spirit of some of his poems by fitting them with anti-Catholic complements. But his later performance wants the freshness and genuine ring of his earlier work. He never writes with such power, the music of his verse never breaks into such melodious rhythm as when his soul is lit up by some heroic Catholic enterprise, or when he lingers over some great foundation of piety, nor do his melancholy musings ever touch deeper chords than when he describes the lost hopes that cheered the hearts and solaced the trials of generations of his countrymen. He kindles into enthusiasm in portraying the Irish Apostles of his own northern land, the mission of St. Augustine, the commanding position of the Norman Primates, the noble works, done with no niggard hand, but erected, like the proud pile of Henry VI., as if to defy the ravages of time itself. In a kindred spirit his soul was stirred by the unselfish earnestness of the great uprising which united all Christendom in a movement of Christian chivalry, and, in a utilitarian age, he could feel the inspiring influence of—

"That romance

Of many coloured life which fortune pours
Round the Crusaders."

But, perhaps, his sympathy with Catholic feeling is most clearly shown in his treatment of the devotional practices of the Church. The wayside cross, the crowding pilgrims, the silent prayer of the recluse, the high ceremonial were for him neither objects of vulgar curiosity nor mere picturesque

memorials of an ancient creed, but symbols of the invisible glory of God, the natural outcome of reverence for all that is holy and pure. Such, too, were his sentiments towards the Mother of God, sentiments, hesitating, no doubt, and half apologetic, but in the very apology expressing themselves in devotional strains not heard for many generations in English poetry :—

“ Mother, whose virgin bosom was uncrost
With the least shade of thought to sin allied ;
Woman ! above all women glorified,
Our tainted nature's solitary boast ;
Purer than foam on central ocean tost ;
Brighter than Eastern skies at daybreak strewn
With fancied roses, than the unblemished moon
Before her wane begins on heaven's blue coast ;
Thy image falls to earth. Yet some, I ween,
Not unforgiven the suppliant knee might bend,
As to a visible power in which did blend
All that was mixed and reconciled in thee
Of mother's love with maiden purity,
Of high with low, celestial with terrene.”

After his sonnets the most popular poetry of Wordsworth lies scattered through his “Descriptive Sketches,” “Memorials” of his different tours, and his “Poems of Fancy and Imagination.” Outside of these, however, lie at least two poems which must be classed by themselves. Wordsworth himself evidently regarded “Peter Bell” with satisfaction, and perhaps of all his works, after some of his very earliest, it was the one most literally constructed on the theory laid down in the Preface to the “Lyrical Ballads.” But the unfavourable judgment expressed by Jeffrey has not been reversed. The “White Doe of Rylstone” is a work of a nobler kind. It is founded on a heroic incident in the “Rebellion of the Five Wounds,” the last effort of the Catholics of the North of England to assert their rights against the tyranny of Elizabeth. His picture of the ruined Abbey of Bolton, and his delineation of all the quieter scenes in the legendary story are as beautiful as anything he has written, and he has left, perhaps, no finer specimen of his versification. But in the progress of the plot he necessarily challenges a comparison with Scott, on Scott's own ground ; and no reader can help feeling how incomparably finer Scott's treatment would have been, how every incident of flood and field would have grown, under the

magic of his careless rhymes, into life and action. We have already stated that though Wordsworth lived in retirement he occasionally went on protracted tours. In his early days he saw much of France and Italy. In 1813 he again spent many months on the Continent. He visited Scotland several times, passing over all the scenes familiarised by the great Scotch writers. These journeys were essentially the journeys of a poet. We owe to them the most beautiful effusions of his lyre, whether directly inspired by immediate contact, or embodied in the meditations of the "Excursion." He lived in an age when the poetry of description attained its highest excellence. As a separate department in literature, it is of late growth; later even than the cognate art of landscape painting. In our time the question has been even raised, whether the perception of the grandeur and sublimity of the ruder aspects of natural scenery is not itself the creation of recent literature. Ancient writers, and the older writers among moderns, treat the wild mountain ranges and beetling cliffs, that now excite enthusiastic admiration, as objects of terror and alarm; and rarely indulged in description except as an accessory to other poetic effects. The descriptive passages in Greek and Latin poetry, though beautiful and true, are usually too general to form an exact picture, and the finer shades of distinction, when hit off at all, are conveyed, as in many passages of Horace, in single epithets. Wordsworth was the contemporary of two of the greatest masters of description as it is now understood. Description, as Byron said, was his forte—description short, rapid, and vivid as the lightning. He fixed the attention on some few objects, and whether by a dying gladiator, or the contrast of a night of revelry with the pomp and terrors of a battlefield, brought out before the mental vision the mingled barbarity and splendour of the Roman Amphitheatre, and the lights and shadows of the final struggle of the last great conqueror. Scott, on the other hand, though also proceeding by selection, leaves few points untouched. The fantastic tracery of Melrose is as finely brought out as the lofty proportions of the nave; and every hill and dale, whether in his prose or poetry, are so impressed upon the mind that the reader who travels over the localities recognises them as familiar acquaintances. In effective force Wordsworth cannot be compared with either. He had a keen and delicate observation. He was familiar with every mood of natural phenomena and impatient of

mistakes. But he lacked the power of picturesque effect, or rather he sacrificed it to a minute exactness in which he has never been surpassed. Hence while every prominent feature in Scotch scenery suggests some lines of Scott, while Byron has lit up every classic spot in Greece with a new lustre, Wordsworth, more local in his subjects than either, has left few passages associated with the objects he loved so well. He was essentially the poet of meditation and reflection. The majesty and beauty of nature attracted his devotion, but it did not rest in them: he was ever hurried away to the truths they symbolised, to show, as he said in the *Prelude* to the "Excursion,"

"How exquisitely the individual mind
To the external world is filled."

And so whether he stands over Lough Awe, or takes refuge in Roslyn Chapel, or revisits the Wye, he regards them in the spirit he has himself so finely described:

"For I have learned
To look on nature, not as in the hour
Of thoughtless youth; but hearing oftentimes
The still, sad music of humanity.

And I have felt
A presence that disturbs me with the joy
Of elevated thoughts; a sense sublime
Of something far more deeply interfused
Whose dwelling is the light of setting suns,
And the round ocean, and the living air
And the blue sky and in the mind of man;
A motion and a spirit that impels
All thinking things, all objects of all thought
And rolls through all things."

Thus the scene spread before the vision is always for Wordsworth the mirror of Almighty power, opening up to the eye of reverent contemplation whole realms of fancy, or suggesting long trains of abstract thought, evolved from meditation, or borrowed from ancient sages. For he was deeply imbued with the spirit of the older world; not only that love of symmetry and form which enabled him to reproduce the severe beauty of the Greek poets in *Laodamia* and *Dion*—the two most exquisite classical studies in modern poetry—but also with the speculations of the schools of philosophy. Though unfortunately without the guidance of Catholic faith he was still instinctively drawn to the purest conceptions of

mere human reason. In the greatest of his single efforts, the "Ode on Intimations of Immortality," the leading idea is a cardinal doctrine of Plato's which foreshadowed the full light of Christian truth.

But the higher qualities of Wordsworth's genius are best seen, after all, in the "Excursion." The plan has indeed been severely criticised, and is open to just exception. The "Excursion" deals with the highest problems which have engaged the attention of mankind, and yet the principal speakers—for it is largely in the form of a dialogue—are a Scotch pedlar and an eccentric recluse. But however faulty the general conception may be, we cannot agree with those who think that Wordsworth should rather have proceeded in unbroken reflection than have adopted a machinery so little suited to his design. For the speakers though oddly selected, are finely drawn, and they at least serve the purpose of gently shifting the subject from one line of thought to another, and saving the poem from the weariness of abstract musings, and the unpleasant jars of abrupt transitions.

The "Excursion" is a poem at once descriptive and philosophical. The first idea of this great work—an idea really underlying its whole framework—was an attempt to examine the growth and development of his own faculties. But his design gradually expanded. From the homely features of every-day life, from the trials and struggles of the poor, from the blending of sublimity and beauty in the scenery of the Lake Country, he rises into successive trains of meditation on "Man, Nature, and Society," embodying the results of long years of solitary study and reflection. While discoursing—

"In numerous verse
Of truth, of grandeur, beauty, love and hope,
And melancholy fear subdued by faith.
Of blessed consolations in distress;
Of moral strength and intellectual power;
Of joy in widest commonalty spread;
Of the individual mind that keeps known
Inviolatè retirement,"

Wordsworth believed that he was constructing a literary work that might live, but he was also conscious that he could appeal only to a narrow circle. In the long run his reliance upon himself has been fully justified, but it has been justified within the measure of his modest wish, "Fit

audience, let me find though few." The fame of the "Excursion" has grown slowly, but it has grown, especially among men of letters and men of cultivated taste. It can never be popular in the sense in which the "Rape of the Lock," the "Deserted Village," and many of his own lighter pieces are popular. The comparison between Wordsworth and Milton indulged in by some of his friends, and which was really, too, a weakness of his own, was extravagant, but it was common to both that, in their more elaborate works, they entered on fields of speculation where only trained and intellectual readers could follow them with unabated pleasure. But for them the "Excursion," however inferior to "Paradise Lost," has caught much of its elevation of thought. Sometimes, too, we are reminded of Milton's manner, especially in some of the fine reflections of the Second and Third Books, notably in the well-known summary of the origin and interpretation of the fables of Greek mythology.

In such passages the harmony between thought and language is complete. For Wordsworth, though often involved and obscure, had, in his happier moods, a rare insight into the graces of diction, and after Shakespeare, Milton, and Pope, no writer has left so many of these curiously wrought phrases which dwell unconsciously in the memory of men. Side by side with those aphorisms are still more numerous instances of a great characteristic of the first, especially of these great poets, the expansion of a thought or image into flowing periphrases reflecting the central idea through a succession of cadences which fall like music on the ear. Of this class is his beautiful description of the sea shell first lit upon by Landor and conveyed by him in admirably terse and classical language:—

"I have sinuous shells of pearly hue
Within,
Shake one and it awakens, then apply
Its polished lips to your attentive ears,
And it remembers its august abodes
And murmurs, as the ocean murmurs there."

Byron, as was his manner, boldly seized upon this thought and used it to round off a brilliant stanza in his "Island."

Unconscious as he asserted of any imitation the thought presented itself to Wordsworth, and whether we believe

this possible or not, there is no doubt that he made it as effectually his own as if he could claim the full merit of originality:—

“ I have seen
A curious child, who dwelt upon a tract
Of inland ground, applying to his ear
The convolutions of a smooth-lipped shell ;
To which, in silence hushed, his very soul
Listened intensely ; and his countenance soon
Brightened with joy ; for murmurings from within
Were heard, sonorous cadences ; whereby
To his belief, the monitor expressed
Mysterious union with its native sea.
Even such a shell the universe itself
Is to the ear of faith, and there are times,
I doubt not, when to you it doth impart
Authentic tidings of invisible things,
Of ebb and flow and ever-during power ;
And central peace, subsisting at the heart
Of endless agitation.”

It was not in Wordsworth's power to improve Landor's expression of the main idea, and Landor himself complained that he had beaten his own bar of precious ore into wires. But they are wires of gold ; and while the image loses in condensed brevity, it strikes the imagination with new force as the symbol of glory revealed in the whole fabric of the universe, and touches sacred sympathies by being linked with the wondering curiosity and mysterious fancies of childhood.

Underlying all these high wrought fancies there is in the “ Excursion,” as in all the works of Wordsworth, a noble compassion for human wants, a rare insight into the feelings and sufferings of the poor. He has left together with the fame of a great poet, the memory of genius directed to high aims, and of a pure and stainless character. His poems are open to many objections, and discerning criticism will probably condemn to oblivion many productions which he himself believed to be immortal. But many, too, will be sacredly preserved, and posterity will credit him along with high gifts of imagination and fancy, with the glory of never having offended against moral purity, or pandered to a depraved state.

J. EGAN.

THE ORDER OF CORPORATE REUNION.

(CONTINUED).

BUT to return to our point. If those who have formed the O.C.R. have done so in virtue of their Anglicanism, it would of course be open to all and any other Anglicans to do the same; and a fresh knot of clergymen and laymen might take it into their heads to found another Order. Supposing, for instance, the existing O.C.R. was known to have obtained its orders from a Jansenist source, we might conceive certain Anglicans preferring an Oriental, or an Old Catholic succession, or desiring rather reunion with the Holy Orthodox Eastern Church in Russia, or at Constantinople, than reunion with Rome. Thus there might be various associations of corporate reunion existing within the Anglican fold; and their Rulers, by the plenary authority to them belonging in right of their respective Sacred Orders and Offices, would have it severally in their power to adopt their own separate basis of faith, and to give doctrinal and disciplinary decrees for their respective obediences—each and all working together with “their divine instruments and materials” on diverging lines for the perfecting and building up from within of the Anglican Church.

But it would be simply trifling with all reason and common sense to discuss any further on what imaginable principles of right the Anglican O.C.R. is founded; since it is clear as day light, that it is based on no right whatever, but reposes solely on the free responsibility, the independent will and pleasure of the associates themselves, and that consequently the authority it assumes to exercise is absolutely null and void. In truth, I should gather from much that is written by the chiefs of the movement in *The Reunion Magazine* and elsewhere, that they hardly considered the sanction of “right,” in the sense of any legitimate authority or title, to be required at all for their action. They appear to look on their position, as that of men living in an utter collapse of society, when ordinary laws and rights are in abeyance and no longer in force; and when all may take action, as best they can, individually or in combination, for what they conceive to be their own, or the public good. They find their lot cast in the Anglican Church; this they put up with, though they might wish it otherwise; for they see in that church nought but religious

confusion, and a total disintegration of all ecclesiastical and Catholic principles. Still they think they see in it, too, from the fact of its historical and actual existence, its external organisation, its very pretensions and claims, and its partial influence for good, the only effectual means of preserving to the nation at large what is still left to it of Christianity, and the only hope of leading back the people of England in general once more to Catholicity. There are dangers they descry in the near distance which threaten to make shipwreck of that Church altogether. By all means they must save it: "an imperative duty" is on them, even at their own risk, to go to its rescue, by restoring to it, though against its will, what they deem essential for its very existence and life. This can only be permanently secured by reunion with Rome and the rest of Catholicism; and this they must attempt at all hazards. There has been enough of counsel and deliberation, the time for all that has gone by, and the moment for action has come: they must act. Their mode of action may be strange and abnormal. But what of that? It is justifiable, "*necessitas non habet legem*." Here is their plea. This maxim has for them a very wide application; it covers all that they have done; it serves them for an apology, when they are tempted to help themselves at will to "divine instruments and materials," needful for their purpose, from whatever quarter they may deem them "providentially" to come in their way. "*Necessitas non habet legem*." Dazzled and obscured by their view of the urgent necessity, and by the very greatness of their aim, really and practically, though as we may hope and believe, unconsciously, and in good faith, they are acting by another maxim, viz.: "*The end justifies the means*."

Passing by the question of necessity in the case, with the single remark that no Catholic would for a moment allow its real existence,¹ and that Anglicans generally would have much to say against it; what, I ask, is the true meaning and right application of the maxim, "*Necessitas non habet legem*?" Does it mean that necessity exempts

¹ On the hypothesis—which I presume the reunionists would admit—that the Roman Catholic Church in England is really Catholic, i. e., a part of the Catholic Church, and that in it are *certainly* all the means of salvation, lawful ecclesiastical jurisdiction, the true Catholic Faith, and the sacraments in their integrity, &c. Surely there is no place for such *necessity* as may dispense from all ecclesiastical law and precedent, and risk even the introduction of what is *per se* unlawful, and the invalidity of ecclesiastical acts and of sacraments.

from Divine natural law, and justifies a man in doing, as a means to obtain his end, what is forbidden thereby? And does it mean, that necessity gives a man the power to do what otherwise is beyond his powers? Will any necessity render a man capable of effecting what is super-human and divine? Supposing, for example, that ecclesiastical jurisdiction can be obtained only by a positive act and grant on the part of the Church, and supposing, moreover, due jurisdiction to be absolutely essential for the validity of certain sacred or ecclesiastical acts, does the maxim mean, that in the absence of such jurisdiction, necessity in a given case, will supply the power or faculty of validly doing those acts? Or does not the maxim mean rather, that in a case of necessity, where one cannot observe *positive* prescriptions and laws which are generally binding, one is held to be exempted and dispensed from them? And when one cannot use the ordinary and prescribed means to effect a lawful and necessary purpose, one may avail oneself of other and extraordinary means that are within one's power, even such as may be under ordinary circumstances not allowed, so that one does nothing that *per se* is evil or wrong?

We shall see later on that, without doubt, according to the principles and faith of the Catholic Church, the whole conduct of the O.C.R. is intrinsically wrong and sinful.

With regard to the Church of England, it is not my purpose, and it would ill-become me, to offer an opinion, as to what amount of duties or allegiance Anglican clergymen owe to their Church, much less have I any intention of passing judgment on the consciences of individuals. Still, I maintain, that in the minds of an impartial general public, the mere broad objective fact, that men who are specially bound, by their very profession as clergymen, as well as by solemn vow and express declarations, to uphold the principles of the Church of England, and to obey its rulers, should, by their public writings and acts, cast open discredit upon its recognised formal teaching, and strike at the very foundation of its valid authority, whilst, at the same time, they continue to hold offices as ministers and pastors within its communion, and partake of its emoluments and privileges, is something which, when only stated, and far more when defended and approved of, shocks at once the natural moral sense, as tending to loosen and subvert those first principles of honesty, equity, and justice, which are ordin-

arily held to be of obligation in all matters of human contract and mutual engagement. And it is simply inconceivable, that those who claim authority in the Anglican Church could, with any self-respect, regard the principles and policy of the O.C.R. set forth in its Pastoral, as otherwise than dishonest, insulting, and rebellious.

But apart from the moral aspect of the case, there is in it the most manifest absurdity. Who ever heard of individual private members of any society claiming the right and power to endow the body corporate with what is really a new life and organisation, to revalidate what they may consider the doubtful prerogatives of its government, to invest this with new jurisdiction, and the re-ability to exercise functions which it has deliberately renounced? And it is this that the O.C.R. undertakes to do for the Church of England. It would change her express and formal teaching, especially on the sacraments, by the substitution of a new rule of faith, and a new creed for the acceptance of her children. "The Church of England," says Dr. Lee, "thought fit to retain the two sacraments of Baptism and the Eucharist; it has intentionally altered the old and valid sacramental service of Confirmation, and deliberately dropped the apostolic and universal practice of Unction;" so that "the new rite of Confirmation *was* a new rite and nothing more—but no sacrament." The Pastoral witnesses to "the total abolition in the Church of England of the apostolic practice of anointing the sick with oil." This is, as everybody knows, only in accordance with the formal teaching of the Anglican Church on the sacraments in her 25th Article, which declares that "Those five commonly called sacraments, are not to be counted for sacraments of the Gospel, being such as have grown partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures;" and goes on to show that they have not the proper nature of sacraments, "for that they have not any visible sign or ceremony ordained of God."

But the Prelates of the Order can now say: "Nous avons changé tout cela"—We, by the favour of God, are now enabled to restore Extreme Unction. In virtue of the plenary authority to Us belonging, We do hereby proscribe and utterly condemn all such Anglican teaching and practice as the work of "profane innovators, fanatics and traitors, (so called) 'reformers,' who robbed our defenceless ancestors of their lawful spiritual rights;" and We do, by

these presents, notify to all men that "already there are representatives of our Order in almost every English diocese, our duly appointed officers, who, having severally introduced the simple but perfect sacramental machinery, by which persons within the Establishment can be first securely and validly made members of the Church of God, and then fed and fortified by the Seven Sacraments of the Church Universal, (will) unostentatiously govern them in all things lawful." Furthermore, for this end, and by the same plenary authority to Us belonging, We authorise the use of the ancient Sarum Liturgy for Mass, in place of the Anglican "mongrel, mutilated, and bald service for the Lord's Supper now in public use," and a form for communion under one kind for chapels and oratories, in which, by Our sanction, the Holy Eucharist is reserved. We issue, moreover a pontifical containing new and valid forms for Confirmation with use of Chrism, for consecration of bishops, and admission to the other Orders, including the Subdiaconate and the Minor Orders, which We, by the same plenary authority to Us belonging, have revived in the Church of England. And the aforesaid forms, and none other, We, by these presents, do decree for and enjoin upon all members of our Order, &c.¹

But perhaps it will be said, that the Prelates of the O.C.R. do not exercise jurisdiction at all in the Church of England, but only within the limits of their Order—that this is a purely voluntary association, and that they force their authority on no one. This line of defence, however, is untenable. We have already seen that the associates of the O.C.R. are all members of the Anglican communion, and, as such, are subject in matters spiritual and ecclesiastical to its authority; and it is within this communion, and over its members, that the Prelates assume to exercise acts, which undoubtedly appertain to jurisdiction of the highest order, and such as could emanate lawfully from the supreme authority alone. That this must be the view of the Anglican bishops themselves, is at once evident, if from this fact alone; that they always give dimissorial letters when any one of their respective subjects are to be ordained by a bishop in another diocese; and that a bishop who confirms or ordains in any diocese not his own, necessarily requires a grant or permission from the Ordinary of that See.

¹ See *Reunion Magazine*, February 1879.

It could scarcely be expected that the principles and action of the O.C.R. should generally find favour in High Church quarters. And Dr. Lee takes note of the two following charges brought against the Order by the Anglican Society of the Holy Cross:—

1. That it denies the lawful jurisdiction of the successors of St. Augustine and St. Paulinus in the Provinces of Canterbury and York, thereby sinning against Catholic obedience.

2. That it proposes to set up a new Episcopate destitute of all spiritual jurisdiction, and consequently schismatical.

To the first charge Dr. Lee replies: "It is quite inaccurate and untrue that the lawful jurisdiction of Drs. Tait and Thomson has ever or anywhere been denied by the O.C.R. The only 'lawful jurisdiction' those dignitaries either claim or possess is the jurisdiction which is bestowed upon them by the law of the land, and comes in England solely and altogether from the Queen, the (acknowledged) source of all jurisdiction." Such "lawful jurisdiction," he implies, is not spiritual at all, but purely and simply temporal in its nature; and all this, he says, is freely admitted by the bishops themselves in their oath of homage. He adds, moreover, that "this no reasonable being can deny, and no member of the O.C.R. desires to do so." The answer may be ingenious, but is scarcely relevant; since clearly in the minds of the objectors, *lawful jurisdiction* has a very different sense from that in which Dr. Lee uses it. They, of course, mean valid spiritual jurisdiction sanctioned by divine and ecclesiastical law; and this, Dr. Lee denies the Anglican bishops have or claim, so that he really admits the charge made by the society to be a true one. This is confirmed by his own express words: "The true spiritual jurisdiction of the See of Canterbury notoriously lapsed at the death of Cardinal Pole." And he contemptuously scouts the society's assertion that it "remained vested somehow or other in certain suffragan bishops, as 'childish fooling,' unworthy of notice, were it not that those who are supremely ignorant of anything relating either to Orders or jurisdiction—a considerable multitude—are often willingly duped by the anonymous authors of such bold and baseless assertions."

His answer to the second charge is somewhat strange. "It may be truly asserted," he says, "that the Prelates of the O.C.R. have claimed no spiritual jurisdiction whatever, save such as is granted by the society which they have

been appointed to rule." This may be a truism, but is no reply to the charge. The fact remains, as has been already abundantly shown—and it is implied in the charge—that the Prelates of the O.C.R. assume the exercise of jurisdiction of the highest kind in the Church of England, and over its members, who, in matters of religion, are under its authority. Dr. Lee says that the claim of the Prelates does not go beyond the grant of the society; but it is hard to see what more they could claim, since in virtue of that grant their authority is *plenary*. The question of course still remains unanswered: How did the society become possessed of the right to have episcopal prelates, and to grant them jurisdiction at all?

Dr. Lee adds: "Moreover, it by no means follows, because a bishop be destitute of spiritual jurisdiction, that he is 'consequently schismatical.' These are hasty 'views,' without either sound foundation or theological accuracy."

It is no doubt quite true that a bishop without jurisdiction may be no schismatic: there are many such bishops in the Catholic Church. But to say this, is wholly irrelevant to the charge; for there is no parity between "a bishop destitute of spiritual jurisdiction," and "a *new episcopate* proposed to be set up, destitute of all spiritual jurisdiction:" this latter obviously implies, by its very terms and by its context, an organised institution of bishops devoid of jurisdiction, yet unlawfully assuming its exercise. And it is no hasty view, but a sound theological truth, accurately expressed, that such an episcopate is schismatical.

Dr. Lee however protests, and "Laurence Bishop of Caerleon" joins in the protest, that nothing schismatical, from an Anglican point of view, has been done by the Order. "No (Anglican) diocese was in any way invaded. No lawful episcopal rights were intruded upon. Strange as this may read to some, it is nevertheless strictly true. The grand act of charity and benevolence thus rendered to those Catholic Reunionists in the Church of England who can look beyond the length of their own noses was moreover, no injury to any diocesan prelate, and no contempt of lawful authority." "We boldly affirm—we challenge contradiction here—that in all we have done we have not violated one single known law of the English Church. We have not transgressed the limits of her authoritative teaching, fairly interpreted (as by Tract xc.)." I have already accepted the challenge, and have proved the contradictory of the affirmation to my own impartial specu-

lative satisfaction. And I should conceive that my contention on this point will approve itself to Anglican authority.

I quite admit however that, according to Dr. Lee's own view, his protest holds good; and that the affirmation may well challenge contradiction. For the Church of England having lost all vestige of corporate entity and its bishops all spiritual jurisdiction whatsoever, as Dr. Lee assures us, there is left, in fact, no Anglican Ordinary, Diocese, ecclesiastical law, authoritative teaching, or Church at all, in any proper sense; since each and all of these necessarily imply spiritual jurisdiction, of which they are strictly correlative terms, and without it have no real existence. And, of course, if there are no dioceses to invade, nor any lawful episcopal rights to be intruded upon, and no English Church exists, it is most true, or, I should rather say, a truism to assert that the O.C.R. has neither invaded or intruded upon them, nor has transgressed the authoritative teaching, or any known law of the English Church.

Apart from its connection with the Church of England, the O.C.R. is, in truth, to all intents and purposes, a little, new, independent, Church of its own. Dr. Lee takes Father Hutton somewhat severely to task for charging the O.C.R. with aiming at the formation of a new Church, and says this "is simply inexact, and obviously ridiculous, mere random rhetoric." Whilst admitting to the full Father Hutton's assertion as regards the endeavour to make a new Church of England, I go further and maintain that the new 'pétite église' is already formed. The O.C.R. itself constitutes in fact a little independent Church, very snug, and self-sufficing. It has taken up "an impregnable position, with a sure foundation built upon the Rock, is fully equipped, with divine instruments and materials, with a simple but perfect sacramental machinery, and has secured the keys of the citadel of truth." It has everything to make and provision a Church, an independent episcopal succession, with plenary authority to create bishoprics, to preconise bishops with titles, to convoke synods, issue Pastorals, promulgate doctrinal and disciplinary Decrees, restore lost Sacraments, revive obsolete Orders and antiquated Sees, authorise Pontificals with its own Forms for Sacraments and Rites, arrange its Liturgy, exercise jurisdiction, enjoin obedience on its clergy, impose terms of Communion on its associates, 'securely make persons within the Establishment members of the Church of God, feed, fortify, unostenta-

tiously govern them, supply their needs by grace, and preserve ever the unalterable Divine deposit on behalf of its Divine Giver.'

It is entirely independent, and subject to no external jurisdiction or control. Whilst exempt, on the one hand, from all laws, definitions, decisions, penalties, censures, irregularities, interdicts, impediments, &c., which are of binding force for Catholics in their Communion; and, on the other, owing no obedience, within its own sphere at least, to any authority in the Church of England, it enjoys the singular happiness of being able to avail itself of whatever it may judge to be for its own advantage in both. And thus it claims as its right an eclectic use of all Canon law whatsoever, whether ancient or modern, that may suit its turn, and of any exemptions, privileges, or immunities, that have ever been granted in special cases.¹

It thus, so to say, occupies a little house of its own in 'no man's land,' self-contained and completely furnished, and will not suffer any from without to meddle in its concerns. Hard by is a large, roomy, commodious, but much dilapidated State mansion, in which it holds a certain interest, and which claims over it some nominal right of seigniority—this the 'petite église' expects ere long will fall in to itself, and then will renew and settle it after its own fashion, and already in this view is making some needful preliminary arrangements.

Dr. Lee's answer to Father Hutton's charge that the O.C.R. Rulers are thus endeavouring to form a new Church, is characteristic.

He says: "It is exactly and precisely what they have *not* done. There is only one Church—into which both Father Hutton and those Rulers whom he condemns were alike admitted by the one door—Baptism. If, in either case, there had been any reasonable doubt of the supposed baptism of either, conditional baptism, for greater caution, would have followed as an obvious duty and as a matter of course." According to this reasoning then, all who are validly baptised, whether Catholics, Protestants, Anglicans, Reunionists, Dissenters, &c.—Father Hutton and the O.C.R. Prelates included—are alike housed in "the one only Church." Consequently Christendom is united, and what

¹ It is on this principle alone Dr. Lee's justification of the omission of all reference to perpetual chastity in the O.C.R. Form for ordaining a Subdeacon is really based. See his Article, *Nineteenth Century*, p. 749, note.

are called separate Churches, schismatical or heretical, and the various Christian Sects, have no real existence, as such; but are merely subjective ideas or aspects of "the one only Church." Here, however, we would observe that this "one only Church" must be either a visible body with a distinct corporate entity, or not. If it *is* such a body, and baptised Anglicans and Roman Catholics are both alike in it, that is, already corporately united, then evidently the O.C.R. is superfluous, and its occupation is gone. If, on the contrary, the "one only Church" *is not* a visible body at all, and has no distinct corporate entity, then clearly the very idea of an O.C.R. at all, is preposterous.

It is to be noted that, as Dr. Lee makes baptism his only essential principle of Catholic unity, so also would he derive from the right to revalidate doubtful baptism, the justification for receiving conditional Confirmation and Orders: this he maintains is a clear logical sequence. "Of course," he says, "it follows that a similar practice" (whereby is meant a right to conditional reception of sacraments) "would logically ensue in all sacraments which impart a character." And again: "Such a very sweeping statement (viz. Father Hutton's) is of course quite as much against conditional baptism, as against conditional Confirmation or Orders; if the second be wrong and sinful, the first is wrong and sinful likewise." But *pace* Dr. Lee, this is not a case for logic at all, but for Theology, for positive law, and ecclesiastical prescription.

For the right to receive baptism conditionally in case of doubt as to its former due administration, Dr. Lee appeals to the positive prescription of the Church of England; and in virtue thereof, and according to the form and by the lawful minister prescribed by that Church, the baptism is revalidated—and lawfully so, on Anglican principles. So far, so good. But does it follow from this that an Anglican clergyman who has doubts as to the validity of his Confirmation or Orders, has the same warrant for demanding the conditional collation of these rites? Certainly not: since no appeal can be made here as in the case of doubtful Baptism, to any positive rule of the Church of England—which, moreover, nowhere teaches that the omission of any particular points in the service for their administration would invalidate these rites, or that they impart any character at all. But waiving the appeal to positive Anglican law on the matter, the most that a clergyman, who has a well-grounded doubt (*dubium facti*) as to his valid Confirmation

and Orders, or who has had to have his doubtful Baptism revalidated, could, on Anglican principles, be allowed to do, would be, to seek for conditional Confirmation and Orders from his Anglican bishop, according to the prescribed forms of the Church of England. If, however, an Anglican clergyman has a practical doubt as to the validity of the prescribed forms themselves (*dubium juris*), he dare not in conscience seek to have them reiterated, or remain any longer in communion with that Church, without grievous sin. What is clearly against all reason and logical consistency is, for Anglican clergymen to have their Baptism revalidated in the manner prescribed by the Church of England in virtue of her positive permission or injunction, and then, on the strength of this injunction, practically to invalidate her authority, and to cast contempt upon her ordinances, by getting Anglican rites changed for them into sacraments, which, as such, she repudiates—and *that* by ministers unauthorised by her, and with sacramental forms she has deliberately rejected, and replaced by her own non-sacramental services; and then for these clergymen still to hold office, and minister in the Anglican communion. What is certainly against logic, and theology too, is for clergymen in, what is to them, a doubtful Church to make their doubtful Confirmation and Orders, the plea for revalidating their Baptism, and then to make their revalidated Baptism the ground for obtaining wholly new and valid Confirmation and Orders from an entirely foreign and a certainly valid source, and yet to remain in their doubtful Church.

And, by the way, it is surely against all reason and theology, for the Prelates of the Order to teach, as the "Bishop of Dorchester" (in a sermon reported in *The Daily Chronicle*) and Dr. Lee do, that Anglican Confirmation is *certainly no sacrament*, but only a new Anglican rite, that is, not Confirmation at all, and yet for them to revalidate this rite for the members of the O.C.R. by the sacrament of Confirmation *sub conditione*; as I gather is their wont. Were the primitive practice of washing the feet still in general use, the O.C.R. bishops might with as good reason, according to their own principles, supplement or revalidate this rite also by conditional Confirmation.

But I have said more than enough on the anomalous position of the O.C.R. in relation to the Church of England, and on the unreasonable principles, and many inconsistencies of the Society itself; and it only remains

for me to treat briefly of its relation to the Catholic Church.

We have already seen that that Church is, according to the principles of her faith, by divine right, sovereign and supreme in Christendom; that all spiritual jurisdiction belongs exclusively to her; that all orders and sacraments are in her keeping; and consequently to obtain them without her sanction, and out of her communion, is unlawful, and *per se* sacrilegious; and that the assumption of any spiritual jurisdiction, not derived from her, is null and void. Hence the principles and plan of action of the O.C.R. are, in the eyes of the Catholic Church, both anti-Catholic and immoral.

We know what would be thought of some secret society in the civil state, which should by clandestine means usurp to itself, powers, functions and dignities, derivable rightly from the sovereign authority alone—and should do this in contravention of express laws of the State, and in defiance of its threats and penalties. Such secret combinations are justly held to be of their very nature disloyal, treasonable, subversive of all rightful jurisdiction and authority, essentially immoral; and their members are accounted traitors and rebels. The mode of action is radically, essentially, bad; and no end, whatever it may be, can in any case justify such means.

In the Church of Christ, according to Catholic doctrine, the principles and acts of the O.C.R. are of a like nature. Its members combine together in a secret society, without sanction of any authority but their own, clandestinely to filch for themselves certain high powers and rights divinely bestowed on the Catholic Church, such as Sacred Orders and Sacraments, and presume to exercise their usurped powers contrary to her formal and express prohibition, and in spite of her most grievous threats and censures. Thus, they dare to offer up the Sacrifice of Holy Mass, to reserve amongst themselves the Holy Eucharist, to administer sacraments, and to perform other sacred functions.

They claim, moreover, to exercise spiritual jurisdiction, by assuming to convoke synods with the pretension of due canonical form and sanction, by legislating on doctrine, discipline, and rites. They even make use of, adapt, revise, or change at their will and caprice the defined doctrine of Sacred Councils, and the Liturgy and Ritual of the Catholic Church for their unhallowed work. Their self-titled bishops give themselves episcopal sees and pretended jurisdiction,

thus arrogating to themselves the prerogative conferred by Divine right on the Chief Pastor alone—to rule the whole of Christ's flock, and to divide the pasture for the sheep and lambs; for what they have done in this country with Dorchester and Caerleon, they might just as well do in any other part of the world.

I have said that the principles and action of the O.C.R. are anti-Catholic, and, I may add, exceptionally and emphatically so. This is evident from the fact, that just those very acts, by which the members of the Order are marked off from the rest of Anglicans, are acts most gravely forbidden by the Catholic Church under her severest penalties. And so, besides any censures to which non-Catholics in general may be liable, the clerical members of the O.C.R., by their clandestine ordination, their heretical or schismatical succession; their reception of other sacraments; their exercise of Orders, in saying Mass, ordaining and administering the sacraments; by their new-formed basis of faith; their appeal to a General Council; their constitution of episcopal sees—by each and all of these several acts—incur, *ipso facto*, according to the law of the Catholic Church, not only criminal clerical irregularity, but suspension and excommunication *latæ sententiæ*, specially reserved for absolution to the Roman Pontiff. Moreover, all exercise of their Orders is held to be sacrilegious, and their absolution from sin in the tribunal of Penance to be utterly invalid and worthless, besides being also an act of sacrilege. Thus, so far from being more Catholic or Roman than other Anglicans—notwithstanding their advanced opinions, leanings, and aspirations—they are really in a worse position as regards the Catholic Church; and were they to be reconciled with her (as we trust many may) they would have to seek for special absolution from censures incurred by their acts as members of the O.C.R., over and above whatever else to which they might have rendered themselves liable.

This view of the position of the O.C.R. is strictly in accordance with the very plainest teaching of the Catholic Church, as may be seen in any treatise of her theology. And to take a contrary view would be an implicit denial of the principles of her Faith; whilst for a Catholic openly and formally to defend or to commend the policy and action of the O.C.R. would render him in imminent danger of *ipso facto* incurring the Church's censures.

Hence we can now prize at its true value the suggestion

of Dr. Lee, that the tone and terms of the Pastoral setting forth the principles and doings of the Order, a single clause excepted, met with almost universal commendation from Catholics in the highest ecclesiastical and theological quarters.

So far from Catholics in general finding any satisfaction in the knowledge that there are valid Orders and Sacraments amongst Anglicans, they are thereby rather filled with sorrow and dismay at the thought of the multiplied sacrileges and indignities to which all they hold most sacred and divine will be too surely exposed. We rejoice indeed to know that there is outside the Church much of revealed religion, and of Christian principles, still surviving and yielding its fruit; and the more we can think there is, the more we rejoice. We rejoice too at the re-awakening to the light of Catholic truth that is again dawning over the minds of so many of our countrymen; and knowing as we do that the perception of truth is gradual and slow, and manifests itself diversely in diverse souls, we should be very patient and forbearing, ever ready to excuse and overlook inconsistency and error where we can, considering with how much of necessary misconception and prejudice and dawning light is mingled; and should hope on with charity in God's good time, for a fuller and more perfect illumination. But even so, we must not omit in season to speak the plain truth, though it may sound severe, especially when error is made openly to wear a fictitious garb, and what is wrong is publicly advocated as though it were right. And we must not forget that there are certain moral dispositions of heart, which ethically are more in harmony with fundamental Catholic principles than mere intellectual light and appreciation of objective truth, and that these are, most especially, docility and obedience. And granted that the Catholic Church is what she claims to be—a divine institution—all must see that these moral dispositions have necessarily with her *the first place*. Since she is the divine teacher, all who would seek union with her, must come to learn religious truth from her lips alone. Since she has divine authority, they must be obedient to her voice. Hence, those who in their former religious sphere have set themselves up at will to be masters and teachers, and shown themselves independent and indocile towards the authority to which they professed and engaged to be subject, should they not in measure first unlearn themselves, would notwithstanding their clearer perception of truth,

hardly find a congenial home in the Catholic Church. Whereas those who practise submission and obedience to the authority under which they are set, and so long as they hold it to be true, though with less knowledge of dogmatic truth, have dispositions more akin to Catholic principles, may be nearer to the kingdom of God, and more in the way of His blessing.

To sum up. For the Corporate Union of moral bodies, in any definite and proper sense, unity of spirit is just as necessary, as that one soul and life should animate the whole physical human frame. No two things of totally different and contrary natures can be in either physical or moral union, with the continued existence of each. The two parties in question, the Churches of England and Rome, are in their whole principles and nature essentially mutually opposed one to the other: one common spirit cannot animate both. The Catholic Church cannot change her faith; the Church of England, regarded in its spiritual aspect, has neither the will nor the power to change. Hence reunion is not possible. The O.C.R., which volunteers its mediation, is by its nature unacceptable to either party; it has a spirit and principles of its own, which belong to neither, and are equally opposed to both; whilst its mode of action for the cause it undertakes, is the worst possible on every account. I may add, that a reunion of separate moral bodies can be effected only by the mutual action of their responsible ruling authorities. Now, since the secular power originally separated the National Church of England from Rome, made it what it is, and continues to maintain and rule it, no other authority than that of the State could properly negotiate terms of reunion with the Holy See. For myself, looking at the matter speculatively, I should regard any such reunion, if initiated by the Crown, the Legislature, or the Executive Government, to be far more within the range of practical possibilities, than if attempted by the spirituality of the Church of England. And I am inclined to believe that, if, through example shown in high quarters, and through legalised public recognition of the Catholic religion, the many social hindrances, drawbacks, and discouragements to its profession were removed; and if the Catholic Church had all facilities at its disposal to make its doctrines known, and its moral and religious influence felt, a large number both of the English clergy and laity would be led in course of time to embrace its faith; and even Corporate Reunion eventually might not be impossible.

But this is only speculation, and not practical. One thing, at least, in this long discussion is practical and certain, and that is: if Corporate Reunion be of such great importance as the O.C.R. holds it to be, then individual reunion must be of an importance far more personally pressing.

“Fugite de medio Babylonis, et salvet unusquisque animam suam.” (*Jer.* li. 6, 45.)

THOMAS LIVIUS, C.SS.R.

CONFRATERNITIES—THEIR OBJECT AND USE.

CONFRATERNITIES mean the amalgamation of the faithful for works of charity or piety, with the approval and under the guidance of ecclesiastical authority. They are called into existence by the Bishops, or, as it sometimes happens, directly by Papal Bulls or decrees; but in all cases, whether they exist in parochial churches, or in the churches or oratories of religious communities, they are subject to the jurisdiction of the Ordinary; in parochial churches the parish priest is, *ex officio*, the spiritual director, upon whom they depend for all ecclesiastical functions, and the administration of their temporal goods. For their exact position in the Church, and all ecclesiastical legislation regarding them, the reader may be referred to Ferraris, Article III., under the heading *Confraternitas*; Bouix, *De Episcopo*, tom. 2, p. 317; *Manuale Juris Canonici*, by D. Craisson, fifth edition, page 431; and the Sulpice Treatise on Canon Law, fifth edition, page 465.

There are some facts regarding Confraternities which are of great importance. In the first place, though they are of comparatively modern origin, yet they are found in every part of the Catholic Church, more especially in new countries and in English-speaking communities. In Ireland, at least, there is scarcely a parish that has not some one of the Confraternities in a flourishing condition, and many think that they are the great means, in this age, of preserving a spirit of fervour amongst the people. That is the first great fact, viz., that Confraternities are as widespread as the Catholic Church, and that they have the mark of universality upon them.

The second fact is, that the Roman Pontiff encourages the existence, growth, and extension of Confraternities in a most marked way; this is seen in the great number and variety of privileges and indulgences imparted from time to time to all who, either organise them, or join their ranks. Some national Synods have decreed that the faithful who studiously keep aloof from them, much more those who speak lightly or profanely of them, have not the true spirit of the Catholic Church.

The third fact need scarcely be stated, viz., that they are not necessary for the Church's existence, or for the salvation of individual souls, in the sense that "the preaching of the Word" and the administration of the sacraments are necessary. These are divine in their origin, not so Confraternities. But, if they are not necessary in the strict sense, they are, nevertheless, powerful agencies to induce Christians to ponder often on their destiny, and on all their religious and social duties, whilst they afford them attractive opportunities for listening to the Word of God, and receiving the Holy Sacraments often and suitably.

The men who aim at blotting out the name of God and religion from human transactions, and who have sought and still seek to undermine all legitimate authority in the world, have combined with other men for these objects; and the measure of success that may have attended their diabolical efforts depended on the strength and compactness of that combination. In fact, it may be broadly stated that all the evils by which religion and society have been more or less successfully assailed in modern times, found their only strength in the *union* of human wills, human intellects, and human hearts; and that, in those countries where religious and social disorders have taken the fastest hold, the aggressiveness and strength of such sinful combination have been busily at work. On the other hand, all social reforms of importance, as well as whatever promotes the well-being of mankind, is best secured by legitimate combination, and through that, by the mutual help and confidence that spring from union.

Admitting this to be true, and also that the souls of men must be saved, *humano modo*, not as those of angels but of men, it occurs to me that to combine, under legitimate authority, for purposes and objects that are higher and more lasting than those of any mundane consideration, and to secure by that combination the aid and sympathy and encouraging example of all others who are earnestly striving

for the same end, must be a good thing, and must make our success more certain than if we stood alone. That is precisely what every confraternity in the Catholic Church aims at doing. I will go a step further and say that confraternities, or institutions akin to them, are, in a certain sense, necessary in the present age, and that if our Irish congregations were to trust to the amount of religious instruction and religious ceremonial to which people were accustomed fifty years ago, they would not be so devoted to religion, and so distinguished for piety as, thank God, they are to-day. I know a rural parish this moment into which, about forty years ago, only one weekly newspaper used to enter, and its only reader was the priest of the parish. That parish then contained upwards of seven thousand souls. How changed is the scene now! Every household has its weekly paper, and the greater number enjoy the luxury of a "daily;" the young people indulge their tastes for light literature of some kind or other, and it is plain that they cannot be treated like those who held their places forty years back. The tendency of the present day is to lose sight altogether of the future life, and be satisfied with passing events, which succeed each other with such rapidity, that they must be very startling to be remembered at all. We have plenty of the present to occupy us. Electricity and steam-power, and the art of printing, bring us into direct and ready communication with all other people, and the great events that affect the lives of nations are as familiar to us now, as used to be the local or parish gossip to our ancestors fifty years ago. Living in an age of such frivolous distractions, and reminded constantly of the Mammon-worship and irreligion of all who have not the true faith, and which are so characteristic of our times, Christians are naturally more apt to forget all supernatural interests if not often and earnestly reminded of them. Confraternities, well and wisely directed, will be the best antidote against these peculiar spiritual evils. Through their agency, religious instruction can be more systematically and frequently delivered, as the same persons, at the same hour, and in frequent recurrence assemble in the church, where the members of confraternities are induced to think oftener of heavenly subjects, to pray better, and what is of the highest importance, are made to receive the Holy Sacraments with a frequency that would never exist if they were not members of some confraternity. Because of their peculiar fitness to produce such results,

and thus often the only means by which the religious indifference that marks the busy age in which we live can be counteracted, I do not hesitate to say that confraternities, or some such kindred institutions, are in a certain sense necessary.

The faithful people of this country like those admirable societies, which should be rendered as attractive as possible, and made to afford a rich and precious treat of which all shall gladly partake. The success of each confraternity mainly depends on the spiritual director, and on his zeal and tact for organisation. He must convince all his sodalists that he is in earnest, that he loves their association, and is jealous of its fair fame and success. So long and only so long as the priest is thus qualified to guide the confraternity with wisdom and earnestness, shall it continue to attract people to its ranks, or do the work for which it was raised up and endowed by the church. The religious exercises should be varied, and on ordinary occasions, should never exceed three-quarters of an hour's duration. As they are free devotions, as far as individuals are concerned, great care should be taken to avoid tedium, and, I think, that on any occasion the exercises should not be prolonged beyond an hour. The rules that guide confraternities should be known by the members, and good organisation requires that they shall not be departed from.

A well-managed confraternity is a source of great blessing, in any parish, and though its existence always places additional burthens upon the priest who organises or sustains it, still he is amply rewarded, even in this life, by the happy homes which it creates, and the public virtues and social order which it fosters amongst his people.

JAMES CANTWELL.

(To be Continued.)

THEOLOGICAL QUESTIONS.

I.

MISSA CANTATA.

TO THE EDITOR OF THE IRISH ECCLESIASTICAL RECORD.

REV. SIR,—A case lately came before me for decision, which, as I cannot find it in any work accessible to me, I would feel much obliged for a solution.

A legacy was left to a priest, with the sole condition "to have Masses offered by him" for the soul of the deceased. Can he say a *Missa Cantata*, and charge the fund for the same, according to the statute regulations of his diocese, or must he offer all as *Low Masses*, and thus have a greater number offered?

Pittsburgh, U.S.

SACERDOS.

Our correspondent will probably be dissatisfied with us if we give only a modified answer to his question. But he will remember that the various circumstances of the case, which are quite familiar to him, are unknown to us. In moral cases, particularly, it is much easier to give a correct *viva voce*, than a written, reply. When the questioner is present, information may be obtained regarding those incidental circumstances which so largely determine the solution of the question at issue.

When, on the other hand, we have before us only the necessarily bare statement of the case, which can be given in a short compass, we can only fall back on general principles, the statement of which must often seem no better than an evasion of the real difficulty.

In the present case, then, we can only say that *per se*, we believe our correspondent would not be justified in determining the value of the *honorarium* he has received, by the *honorarium* usually given on the occasion of the celebration of a *Missa Cantata*.

If, for instance, the bequest is so small as to require the celebration of only a few Masses at most, it seems to us that it would not be lawful to claim, on account of a *Missa Cantata*, an unusually large *honorarium*. The reason is obviously derived from the presumed intention of the testator, who, in the circumstances, seems to require as many Masses as will correspond with the number of ordinary *honoraria* contained in the sum which he has given. But if the amount of the bequest is large, and consequently requires the celebration of a large number of Masses; and if, in the ordinary discharge of his duty, our correspondent has,

within a fixed time, to substitute some few *Missae Cantatae* for the usual Low Masses, we are of opinion that he may offer these *Missae Cantatae* for the testator's intention, and may take credit for these *Missae Cantatae* in determining the value of the *honoraria*.—ED. I. E. R.

II.

INDULGENCES.

REV. DEAR SIR,—I have seen with delight the paper on "Purgatory," in your last issue. I trust that the good and learned divine will publish many such leaves from his Note Books.

The fruits of the Most Holy Sacrifice of the Mass, explained and developed by such a master-hand, would diffuse a spirit of lasting piety throughout the land.

In No. 21, the learned writer says, "A person in a state of sin cannot perform a work either of merit or satisfaction." I should desire to know his views on the opinion held by some theologians, who hold that if you offer your Indulgences for the relief of the souls in Purgatory, such Indulgences will benefit them, even though at the time you had the misfortune of not being in the state of grace. I cannot see the reason. I would wish also to learn, with reference to those who die with deliberate venial sins on their souls, at what particular moment are those sins cancelled or remitted. L.

[As soon as his vacation comes to a close, we hope to have an opportunity of submitting to our venerable contributor the interesting questions referred to in our correspondent's communication.—ED. I. E. R.]

DOCUMENTS.

MISSA PRO POPULO.

WE regret that we are unable to insert in the present number of the RECORD the full text of the Apostolic Letter, in which the Supreme Pontiff has recently determined the extent of the obligation by which bishops are bound to offer Mass for the faithful committed to their care.

The *existence* of the obligation of offering Mass for the people was undoubted, but the *extent* of the obligation, as well as the *source* from which it was derived, when bishops were concerned, were questions on which Canonists held

different opinions. The Propaganda had been frequently consulted by bishops subject to its jurisdiction, on the matter. In order to secure uniformity in all future decisions, the Secretary of the Propaganda was directed to consult the Congregation of the Council to which the decision of the question more properly belonged. The following two questions were therefore proposed to the Sacred Congregation :—

I. *An Episcopi teneantur ad litandam Missam pro populo omnibus diebus dominicis, et festis de praecepto, etiam suppressis?*

II. *Quatenus negative, quale sit et quomodo exprimi possit onus, quod Episcopis incumbit, Missam applicandi pro populo?*

Owing to the importance of the questions proposed, the Sacred Congregation was unwilling to give a decisive answer at once. The first reply, therefore, was to the following effect :—

Dilata, et exquiratur votum trium Consultorum, reassumptis ex Secretariis Congregationum S. Rituum, et de Propaganda, omnibus ad rem facientibus.

The *Vota* of the three *Consultors* are given in a recent number of the *Acta S. Sedis*. They are very interesting, and will well repay perusal. Our available space does not permit their insertion here. Having considered the *Vota* of these *Consultors*, the Sacred Congregation at length gave the following definite replies to the two questions proposed :—

Ad I. *Episcopos teneri ad applicationem Missae pro populo; et Consulendum SSmo. ut decernere dignetur, eosdem Missam pro populo applicare debere omnibus dominicis, aliisque festis diebus, tum de praecepto, tum suppressis.*

Ad II. *Provisum in primo.*

As a consequence of the application made to the Holy Father for a confirmation of the decision of the Sacred Congregation, the Apostolic Letter to which we have referred was published. After referring to previous legislation by Popes and Councils, supported by the authority of Sacred Scripture, of the Fathers, and of Canonists, the Supreme Pontiff in the following words definitively determines the extent of the obligation of bishops, and confirms the replies of the Sacred Congregation of the Council :—

“His itaque omnibus diu multumque consideratis, auditisque Venerabilium Fratrum Vestrorum S.R.E. Cardinalium Concilii Tridentini interpretum sententiis, decernimus et declaramus, omnes et singulos Episcopos, quacumque dignitate, etiam Cardinalitia, auctos, item Abbates jurisdictionem quasi episcopalem in Clerum et populum cum territorio separato habentes, in Dominicis aliisque festis diebus, qui ex praecepto adhuc servantur, et qui ex dierum de praecepto festorum numero sublatis sunt, omni exiquitatis redditum excusatione aut alia quavis exceptione remota, ad Missam pro populo sibi commissio celebrandam et applicandam teneri.”

“Et ne cui dubitatione aditus pateat, declaramus, eosdem Episcopos et Abbates huic officio satis esse facturos per celebrationem et applicationem unius Missae pro universo populo sibi commisso, etiamsi duas vel plures Dioeceses et Abbatias aequae principaliter unitas regant.”

From this and other decisions recently given we may infer :—

1. That Bishops are bound to apply the Holy Sacrifice for all the people committed to their care, on the same days that Parish Priests are bound to offer Mass for their parishioners.

2. That one Mass will satisfy this obligation in case of a Bishop or Abbot, even though he may rule two or more dioceses which have been united *aeque principaliter*, or with a union which extinguishes the separate and distinct rights of each, and renders the two former, one diocese.

3. That a Bishop is bound by this obligation only after he takes possession of his diocese.

4. That merely Titular Bishops are not bound by this obligation, but they are recommended to pray and offer the Holy Sacrifice for the good of the diocese from which their title is derived.

5. That a Bishop may not satisfy his obligation as Parochus, by offering up Mass for the whole diocese.

6. That to satisfy his obligation as Parochus, a Vicar should be appointed by the Bishop, and that in apportioning the revenues of the parish, the Bishop should take into account the onus imposed on the Vicar or Administrator, of offering Mass for the people of the parish on all Sundays and Holidays.

The following replies were sent on the 23rd March, 1863, to questions forwarded from Ireland :—

I. An Episcopus qui officium parochi exercet, applicatione Missae pro suis diocesanis, satisfaciat quoque obligationi qua tenetur ad parochiale officium.

II. Si idem Episcopus non satisfaciat obligationi parochi propriae, quoad obligationem pro populo, quid dicendum super praeteritis omissionibus ?

The replies were :—

Ad I. Juxta exposita negative et ad mentem.¹

Ad II. Ad. d. Secretarium cum SSmo.

ED. I. E. R

¹ The Editor of the *Acta S. Sedis* explains the *ad mentem* thus :—

“Mens est ut Episcopus, si in civitate Newry non habet Vicarium pro administranda illa paroecia, eundem constituere debeat ; et per illum debeat quoque facere satis obligationi Missae pro populo ; animadvertens tamen juxta, § 9 Constitutionis Benedicti XIV. *Cum semper oblatas*, ut consideret hujusmodi onus dum eidem congruam statuit.”

CORRESPONDENCE.

RESTITUTION.

BONA INCERTA INJUSTE ACQUISITA.

VERY REV. DEAR SIR,—In common with many others, I have derived much pleasure from reading the thoughtful and suggestive paper on Restitution that appears in the August number of the RECORD. The writer of that paper treats a very difficult and involved subject with all the studied seriousness it merits, and gives us his views upon it with graceful and facile pen. But, like every other controverted question of Moral Theology that has occupied the thoughts and engaged the labour of our schoolmen, this question of the “Restitution of stolen goods whose owners cannot be found,” is overshadowed with difficulties so many and so perplexing, that until they are removed, or sufficiently explained away, no theory, however specious, can be considered as satisfactorily established. My object in writing the present letter is to evoke from your learned contributor such elucidation of those difficulties as will smooth the way for those whose office obliges them not unfrequently to reduce specious theory to matter-of-fact practice.

Your contributor states his thesis in no uncertain words: “All theologians are unanimous in teaching that the possessor of *bona simpliciter incerta ex delicto acquisita* is bound *sub gravi* to give them up, and to apply them to the poor or for pious purposes, and any contrary opinion is a novelty devoid of all probability and utterly untenable.” Further on, he “maintains that this obligation is, strictly speaking, [restitution due from commutative justice.”

Now, I would ask *in limine*, how could the handing over of, for example, a stolen horse, or a suite of drawing-room furniture, to a poor man be regarded as an act of *restitution*—a “*damni allati compensatio*,” a “*rei acceptae redditio*,” a “*juris alieni redintegratio*”? The poor man has suffered no diminution of property, for which he can claim to be compensated; he has been robbed of nothing to which he had an antecedent right; and his only regret regarding *res alienae* is, that no portion of them was ever *his*. Hence, the very etymology of the word seems to debar the poor man from all claim. And we should never forget that the approved and accepted terminology of theologians pre-supposes and involves a more test-proof accuracy to express the intended meaning than that of the most elaborately drafted Act of Parliament.

But, furthermore, the illustrations of a “practical bearing” which the writer submits, seem to intensify the difficulty and to

make the knot more puzzling. He says that if the possessor of these goods be himself poor, he may apply them to himself, *qua pauperi*. This would seem to imply that in applying them to himself he is discharging a *debt* to which he is bound "*sub gravi*;" that he is "making restitution" to himself for goods which he never possessed as his own, and never lost; that he is "despoiling himself of goods unjustly acquired," instead of giving himself a true title to their possession; that he is exercising an act of the highest virtue; that he is restoring a disturbed equilibrium; that he is thereby the protector and guardian of society, and the uncompromising asserter of the rights of property.

For we must ever remember that here there is question, not of expediency or of charity, but of STRICT NATURAL JUSTICE.

Neither are the inconveniences of this theory less appalling when the claims of others of the poor, or of pious purposes, come to be examined. What individual amongst the poor can prove, or decently assert, that he has a *right* to these goods? What congregation of poor? Who amongst the needy can say: this is mine, *because* it is not yours? Or, passing by individuals, what institution or society or pious Congregation can, without the intervention of positive law, seize on, or appropriate, these goods? Not the State towards the liquidation of the National Debt, nor the Local Government Board towards the lightening of the Poor Rate: nor the Harbour Board for the benefit of trade: nor the Orthopædic Hospital; nor the Sick and Indigent Roomkeepers; nor even those benevolent sisterhoods whose very shadow brings healing to the sick and comfort to the afflicted poor. Does a man by committing a theft open a debtor and creditor account with any or all of these, or with that intangible being—a poor man *in genere*?

These and many other cognate difficulties are not lessened, much less removed, by saying that society transfers to the poor, or to pious purposes, a *jus strictum* (and we speak of no other) to these goods. Man does not possess a joint ownership with the State or with society in his property. A man's horse or house is his own, and no one proclaims this right of ownership more emphatically than the State. The State may compel a man to pay taxes: but it gives (or professes to give) him an equitable equivalent in its maintenance of law and order. It never calls in taxes as a portion of its own property, with which it may do as it lists. It asserts no *jus strictum* to them, and therefore does not presume to transfer one.

But, perhaps, by the exercise of its *Dominium Altum*, and for the good of society, it does make such a transfer? Decidedly not. Should the rightful owner ever turn up, and satisfactorily prove his right, the State at once admits and asserts it, and furnishes him with "horse, foot, and artillery," by force of which to recover his goods.

It strikes me that the arguments of your contributor, and of the

theologians whose works he has so laudably studied, prove that those stolen goods form a matter on which the Church or society might well legislate, but prove no more. The Constitution of Alexander III., and other similar enactments on which they rely, have reference to Usury and Simony, and I will not offend the writer of your paper by reminding him that, in laws, an argument *a pari*, is of positively no value, and that "recognised custom and discipline" have force within their own domain only.

In conclusion, I will merely say that the axioms and principles so abundantly cited, are in perfect harmony with the above. The guilt of the dishonest man's theft is by no means diminished by the inability of the owner to show himself: he was guilty of a most grievous sin against society and natural justice, as well as against the law of God.

C. J. M.

NOTICES OF BOOKS.

Enchiridion Clericorum. By the Author of "Programmes of Sermons and Instructions," &c. BROWNE & NOLAN: Dublin, 1882.

For our clerical readers, and more particularly for the younger priests, no book can be more interesting than one which, like the *Enchiridion Clericorum*, proposes to take the young priest by the hand, on the threshold of the seminary where he has made his studies, and to lead him into his sacred ministry, by putting before him a Rule of Life for his guidance, pointing out to him how he may "*present himself approved unto God, a workman that needeth not to be ashamed, rightly handling the Word of Truth.*" (2 Tim. ii. 15). Such is the high and holy object which the author of this book has undertaken to accomplish; and if the execution at all corresponds with the design, a real and lasting benefit has been conferred on all priests into whose hands the book may come.

Before proceeding, however, to express any opinion on the author's success or failure, we desire to put before our readers some idea of the plan he has followed, and of the different subjects he has treated.

The central part of the book consists of the Rule of Life which a young priest should follow in order that he may live worthy of his vocation, and avoid the dangers to which youth and inexperience are apt to lead those who follow no settled plan in the discharge of their daily duties. To show how practical

and exhaustive this Rule of Life is, we need only quote the headings of the different chapters under which the whole matter of this section of the book is arranged. The first chapter demonstrates the *necessity* of such a rule. The second chapter proves clearly that the example of others is not to be adopted for a Rule of Life. Each one will, as the author says, have to stand or fall by himself, and it will be no excuse before the Supreme Judge that he acted as others act—that he followed others in the course they pursued.

The author by no means wishes that the young priest should not avail himself of the help which is to be derived from the good example of his elder brethren in the ministry. On the contrary, he desires the young priest to “look around him in all directions, so that he may find examples to imitate—examples of holy priests, true *‘ministers of Christ, and dispensers of the mysteries of God,’* who, by the regularity of their lives, and their zeal in the service of the ministry, may say with St. Paul, *‘Be ye imitators of me, as I am of Christ.’*”

What the author insists on, therefore, is, that the Rule of Life must be framed according to fixed, well-defined principles, and must not depend on the haphazard circumstances in which a young priest may find himself on his first entrance into the work of the ministry. What these principles are, to what particular duties they must be applied, and how these duties are to be discharged, we find explained at considerable length, and with sufficient detail, in the subsequent chapters under the following headings:—Retiring and Rising, Morning Prayer, Holy Mass, Guardianship of the Most Holy Sacrament, Spiritual Lecture, Study, Examination of Conscience, Solid Devotions, Devotion to our Divine Lord in the Most Holy Sacrament, Devotion to the Passion of Christ, Devotion to the Blessed Mother of God, Devotion to St. Joseph, Devotion to your Angel Guardian, Devotion to your Patron Saint, Monthly Retreat, Frequent Confession, Clerical Modesty, Visits, Mortification—of the Tongue; of the Temper; at Table—Avarice, Preaching, Hearing of Confessions, Care of the Sick, Short Addresses, Synopsis of a Priest’s Life in the Public Ministry of the Church.

This Rule of Life forms, as we have said, the central part of the book, but it is preceded and followed by matter scarcely less important or less interesting. The Introduction to the Rule of Life is occupied with some general considerations “showing what a Priest in the first place ought to be; and secondly, by way of contrast, what he ought not to be, in the hope that, impressing these considerations deeply on his mind, he may see all the more the necessity of regulating his life in accordance with the prescriptions submitted for his adoption on the very outset of his Sacred Ministry.”

What a Priest ought to be, is considered, first, with reference

to his Ministry at large ; secondly, with reference to the Ministry of the Altar ; and thirdly, with reference to the holy tribunal of Penance.

What a Priest ought not to be, is viewed particularly with reference to venial sin and to tepidity, as the baneful sources of the barrenness which marks the ministry of some priests.

The Rule of Life is "followed by an examination of conscience adapted to a retreat. . . . This examination of conscience will be found very comprehensive, so as to take account of all the duties of a priest in every position of the sacred ministry, so as to make the examination as generally useful as possible." In truth, the examination of conscience embraces all the duties which a priest charged with the care of souls, has to discharge. Under the different heads of those duties, the questions proposed for examination are searching and practical. We cannot conceive how any priest could, in time of retreat, or, indeed, at any time, read attentively this examination, and not be moved to correct whatever may be defective in the past, and to form strong and holy resolutions for the future.

After the examination of conscience, we find in Appendix I. *Monitiones S. Caroli Borromaei ad Clericos et Sacerdotes*. In Appendix II. *Quinque Puncta a Clericis serio Meditanda*; and in Appendix III. which is the longest and most important, a "Guide to the Programmes of Sermons and Instructions, pointing out how they may be adapted to the Gospels of the Sundays and holidays throughout the year." What the author does is, first, to select some one subject which naturally arises from the Gospel of the Sunday; secondly, to give a reference to the Programme in which this subject will be found treated; and thirdly, to give an appropriate introduction to connect the Gospel of the day with the subject of instruction. Thus, for example, let us take the treatment of the Gospel for the Fifth Sunday after Easter, as it happens to be brief.

The subject selected is:—*The Efficacy of Prayer*. The reference is to Programme on Prayer, Part III.; also Lesson XXII., Exposition of Christian Doctrine, Part V. Then follows the introduction thus:—

"In this Gospel our Divine Lord speaks very encouragingly of Prayer, and His words are in accordance with what we find laid down in various passages of the Holy Scriptures, and attested by the most remarkable facts respecting the power and efficacy of prayer. Let us, therefore, in God's name, bestow some reflections on the subject. It is vitally interesting to us, involving as it does our dearest interests, spiritual and temporal, for this world, and still more for the world to come.

"Invocation, and proceed to the subject."

We have now given a short analysis of the *Enchiridion Clericorum*, and we desire to express our opinion of the book very

briefly, but very forcibly. We cannot do so better than by echoing, with a slight change, the ardent wish contained in the closing sentence of the Letter of Approbation written by the Cardinal Archbishop of Dublin, and prefixed to the book :—

“Convinced, therefore, that the ENCHIRIDION will do great service to the cause of religion in largely contributing to the sanctification of her ministers, we wish for it the largest possible circulation” amongst the clergy of Ireland, and the clergy of every English-speaking country all over the globe. ED. I. E. R.

Elements of Ecclesiastical Law, &c. Adapted especially to the discipline of the Church in the United States. By Rev. S. B. SMITH, D.D. New York: BENZIGER BROTHERS.

We have before us the fourth edition of Dr. Smith’s “Elements of Ecclesiastical Law,” and a more valuable contribution to Church literature we have seldom seen. For order, clearness, and practical usefulness, “The Elements” deserve every commendation. Observing closely the method of Craisson’s Manual, Dr. Smith divides his volume into three parts :—

“The first treats of the nature, division, &c., of ecclesiastical law; of the sources whence it emanates; and of the authorities from which it derives its efficacy. Next, the nature and force of national canon law, especially with reference to the United States, are discussed. The second part discourses, in a general manner, on ecclesiastics as vested with power or jurisdiction in the Church. Hence, it shows what is meant by ecclesiastical jurisdiction, how it is acquired, how lost and resigned. It therefore treats chiefly of the election of the Sovereign Pontiff, of the creation of Cardinals, of the appointment, dismissal, and transfer of bishops, vicars-general, administrators of dioceses, and of pastors, particularly in this country. The third part treats in particular of the powers and prerogatives of ecclesiastics as clothed with authority in the Church. Hence it points out the rights and duties chiefly of the Roman Pontiff, of the Roman Congregations, of cardinals, legates, patriarchs, primates, metropolitans, bishops, vicars-general, administrators of dioceses, pastors, and confessors.”

The greatest want this book supplies is an exposition of what its author calls the “National Canon Law of America,” that is, of the various modifications of Common Law which circumstances in America have made necessary or useful. Every country, and particularly every missionary country, has its own peculiar Canon Law differing less or more from the Common Law of the Church. The divergence is occasionally slight, but in some countries it happens to be very considerable. America is of the latter class, and hence for American priests and students Dr. Smith’s volume has advantages which such admirable treatises as Craisson’s Manual

and the Sulpice Tract cannot possess. The same may be said of Ireland, England, and the Colonies, and with some additions from plenary synods and diocesans statutes, "The Elements" will be found a safe guide in these countries.

One of the Consultors appointed by Cardinal Simeoni to examine this work expresses regret at its being written in English rather than Latin, "the language of the Church." We are, however, inclined to agree with Dr. Smith's reasons for the language selected, and we would add to those put forward this other. In countries like America and Ireland, where missionary labours engross almost the whole energy of the priesthood, everything should be done to make the study of ecclesiastical science as inviting as possible. It is not merely for students in seminaries provision must be made. Knowledge, unless kept up by constant revision, vanishes imperceptibly. Now a good manual of canon law well read, means revising a considerable portion of priestly science, and we are persuaded that in these countries, after the fatigues of the day, a priest will take up with greater pleasure a book written in English, than he would the same book if written in any other language.

It is no small praise of Dr. Smith's Canon Law that it has passed almost unscathed through the ordeal of the Consultors' examination. With some, of course, of his teaching, as for instance where he seems to take for granted that a custom "*praeter legem*" may induce an obligation, all cannot be expected to agree. On disputed points a canonist or theologian must be allowed freedom of opinion. The work is not yet finished. It is to be completed in another volume, and we are confident when the second appears it will merit that favour from the public which has been so deservedly extended to the first. Though published scarce four years, the work has reached a fourth edition, and we welcome it as a successful attempt to make canon law popular without lowering its dignity.

P. O'D.

Poems, Original and Translated. By H. I. D. RYDER, of the Oratory. Dublin: M. H. GILL & SON. 1882.

Father Faber published not only a volume of "Hymns," but a volume of "Poems." A less known Oratorian, the late Father Caswell, besides excellent translations of a great many liturgical hymns, wrote much beautiful poetry of his own. "The Dream of Gerontius" is one of the finest achievements even of Cardinal Newman's genius. And now another priest of the Birmingham Oratory has earned the epitaph which Dr. Johnson proposed for the poet-archdeacon of Clogher, namesake and ancestor of the senior Member for Cork city: "*Qui, sacerdos et poeta, utramque partem ita implevit ut neque sacerdoti suavis poetæ, neque poetæ sanctitas sacerdotis deesset.*"

Father Ryder has hitherto been best known as a controversial theologian. The late Dr. Ward found him a doughty adversary in a domestic controversy concerning the subject-matter of Papal definitions: but his most valuable work is the reply to Doctor Littledale's "Plain Reasons against joining the Church of Rome," which Protestant societies have scattered broadcast, edition after edition. "The children of light" are unfortunately much less zealous in such matters; yet Father Ryder's "Catholic Controversy," into which is condensed a great deal of accurate learning, brought down to the present date, has reached a third edition in a few months, and circulates widely in America.

The present elegant volume shows him in a new character; not a mere writer of religious verses, but a very cultivated poet. The nature of the book before us, and the nature of these book notices in a periodical like ours, do not allow us to analyse his poetical characteristics minutely, else we should wish to show by examples the tasteful variety of his themes, his skill in many kinds of versification, the freshness and beauty of his thoughts, and the purity and exquisite grace of his diction. Our readers will not be prejudiced against this volume—whatever its English critics may be—by the fact that it is published in our good city of Dublin, and that it is dedicated to an Irishman—"to Aubrey de Vere, as a slight expression of reverence for one whose life has been a happy blending of fidelities to his Church, his country, and his muse, in an age which presents but few examples of any such conjunction."

R.

A Saint among Saints: Sketch of the Life of St. Emmelia, Mother of St. Basil the Great. By S. M. S. Dublin: M. H. GILL & SON. 1882.

The production of this biography has evidently been a labour of love for others besides the writer of it. The printers and binders seem to have been warned to spare no pains to make this "Life of St. Emily" as attractive without as it is within. They have succeeded. As an instance of the sudden access of popularity which has hence accrued to St. Basil's Mother, we have heard of a fair namesake of the Asiatic matron, who recently, at a very interesting crisis of her career, was presented with no fewer than three copies of "A Saint among Saints," one of the kind donors being the officiating Bishop. The picturesque vividness of the style is no surprise to those who have learned to recognize the letters "S. M. S.," as the initials of the religious name of a true poet's poet-child. One of the sweetest and not the least holy consolations of the last days of Denis Florence MacCarthy was the perusal of this first prose work of his Dominican daughter.

R.

Essays on Various Subjects, chiefly Roman. By MONSIGNOR SETON, D.D. The Catholic Publication Society, New York. Dublin: M. H. GILL & SON.

This is a very readable volume. Its contents were published at various times in the *Catholic World*, and are now presented to the public by the author in an enlarged and amended form. We have just twelve essays in all, embracing a great variety of subjects—fine arts, history, and canon law. These essays are evidently the fruit of a mature and scholarly mind, and, we venture to think, will be read and re-read with pleasure and profit.

The author's long residence in Rome has made him familiar with the ways of the *Curia*, and lends additional authority to his statements on such subjects as "The Palatine Prelates of Rome," "Papal Elections," and "The Cardinalate."

The book is written very much in the style of "The Last Four Popes" of Cardinal Wiseman, and will form a useful addition to a priest's library.

J. H.

We have received for Review the following Books :—

From BENZIGER, BROTHERS—

Golden Sands. Third Series.

From MESSRS. BURNS & OATES—

The Office of the Holy Ghost under the Gospel:—The Divine Interpreter of Holy Scripture. A Sermon preached by HENRY EDWARD, Card. Archbishop of Westminster.

Secret Societies: a Quiet Talk about Them. By W. H. ANDERDON, S.J.

The Catholic Child's Complete Hymn Book.

The Granville Series Reading Book. Fourth Standard.

The Life of St. Louis Bertrand. By FATHER BERTRAND WILBERFORCE.

The Life of St. Philip Neri, Apostle of Rome. By ALPHONSO CAPECELATRO, Translated by THOMAS ALDER POPE, M.A.

THE IRISH ECCLESIASTICAL RECORD.

OCTOBER, 1882.

ON THE REMISSION OF SIN.

I.—WHAT IS SIN?

THIS question does not seem very difficult. One of the first truths children learn from the Catechism is, that sin is “any wilful thought, word, or action contrary to the law of God.” The definition is St. Augustine’s, and is plain enough to suit the meanest intellect.

What are the different kinds of sin? Original and personal, mortal and venial; all of which the oft-mentioned school-boy will glibly explain. But there is another kind not so easily understood, the fruitful subject of controversy, with regard to which the deepest thinkers—to use a journalistic expression—have advocated very different opinions. This is the division of sin into actual and habitual.

Actual sin presents no special difficulty. Its nature is very well explained in St. Augustine’s general definition. It is, as its name imports, the act by which we transgress God’s law. But, as no one can obtain remission of sin in the very act of transgressing, it is manifest that when we speak of such remission, we must mean the blotting out of something which remains after the act has passed away,—of habitual sin. What is it that remains? What is blotted out? What is habitual sin?

Let me, in the first place, try to set forth what used to be a pretty common notion, not only amongst the ignorant, but even amongst those who in other matters are cultivated enough. It was but a vague notion at most, put together in a straggling way, collected partly from sermons on the grievousness of sin, and partly from occasional writings

on kindred subjects. Thus was formed a general idea that sin is a sort of corrupting virus, penetrating, so to speak, into the very marrow of the soul; a sort of leprosy or small-pox, not only injuring the soul's powers, but rendering it hideous and deformed. The soul in sin was represented in a coarse material way, as something putrid, capable of corruption and corrupt; a sort of wretch who had by a long course of dissipation covered himself with ulcers and become an object of disgust. Do I err in thinking this not unlike the picture which is sometimes drawn in sermons on sin?

Indeed it is not to be wondered at that many should have formed such an idea; for loathsome diseases, notably leprosy, are the most usual figures under which sin is represented in the Scriptures. When the Sacred Writers wish to vary their expressions, the wicked are called "unclean," "filthy," "abominable." Who has been always thought the fittest type of the hardened sinner? Is it not Lazarus stinking in the grave? Of course there is also a general notion that many of these things are only types and figures, and that the descriptions are in some way metaphorical. But behind all that the confused idea remains, that sin is a kind of physical virus superadded to the soul, not substantially changing it, but making it corrupt and deformed.

It will serve as a corrective to this false notion to consider that the soul is not made up of parts—is not capable, like the body, of being chemically resolved into gases; and that, if it becomes deteriorated at all, it must be in its powers and tendencies. The intellect may be darkened—may think good evil and evil good. The will may be weakened in its better motions. Absolutely speaking, there might even be physical qualities superadded to the soul, which would render it as weak and ugly as it is strengthened and beautified by sanctifying grace. But all this should still be very far from substantial poison reducing it to corruption.

Again, it should be taken into account that the Bible was not written for theologians and philosophers, who may be able to form some idea of the beauty or deformity of spiritual substances. It was written for the poor; and, as regards the New Testament at least, the fact of its being preached to the poor is a mark of its authenticity.¹ But

¹ Matt. xi, 5.

were you to tell our workmen that the highest kind of spiritual beauty consists in an elevation of intellect and will, whilst the most horrible spiritual deformity takes place when these faculties are weakened and diverted from their proper objects, what a bald notion the poor ignorant men would be able to form of the glory or the ugliness you describe! The Sacred Writers took this into account. They knew that, as long as the soul is wrapped up in the flesh, deriving all its knowledge from material impressions, the material will make itself felt where the spiritual will lie quite unnoticed. Hence God and the angels are represented under human forms. The joys of heaven are oftenest described as sensible; the same is true of the pains of hell.¹ And so it is that, for the purpose of deterring us from committing sin, and also, perhaps, because it is often committed by acts in themselves gross, it is set forth under those disgusting outward forms of uncleanness, and filth, and corruption.

It was for want of taking these things into account that some of the so-called reformers made one of their most egregious blunders. This was the doctrine of Illyricus with regard to original sin. He was impressed with certain Scriptural phrases, such as "heart of stone," "wicked seed," "body of sin."² To explain them he supposed that man, at his creation, was endowed with—besides his soul—a certain additional substantial form; or, at least, with an additional substantial degree of the form which he already possessed. This was sanctifying grace, which raised the soul to the supernatural state and to the dignity of God's image. Sin came, and the image of God was blotted out, and the superadded substantial form was changed into another of altogether a worse and lower species, which is transmitted by generation from father to son and is now called original sin.³

Other Protestants strenuously opposed this doctrine of Illyricus. Some even went so far as to deny that it was

¹ To guard against mistakes I may remark that the text is quite consistent with the doctrine of real corporeal fire. For, as the essential joys of heaven are purely spiritual; though not excluding accidental sensible delights; so the essential punishment of hell is the pain of loss, which is in no way incompatible with the pain of sensible fire.

² See respectively *Ezech.* xi. 19; *Is.* i. 4; *Rom.* v. 6.

³ Suarez, *De Vitiis et Peccatis*, Disp. ix., Sect. ii., n. 3 (Ed. Vives, vol. iv., p. 601). See also pp. 160, &c., of a dissertation *De Peccato Originali*, published in 1877 at Louvain, for the degree of Doctor in Theology, by Joseph Thys, a priest of the archdiocese of Malines.

his teaching at all. It is impossible, however, to explain his words away; the very title of one of his tracts is decisive.¹ Neither is it easy to understand why his view was so badly received. For if, as the Reformers asserted, original sin is nothing else than concupiscence; and if by concupiscence is meant “a corruption of the whole nature and powers of man, particularly of the superior faculties of the soul,”² involving the loss of the divine image; how does all this differ from “substantial deterioration?”

As this paper is not intended to be controversial, I may take it for granted that habitual sin is something intrinsic to the soul, real and inherent;—that when the guilty act has passed away, something remains by reason of which the guilty person is no longer what he was before, but in truth and reality a sinner. This is the teaching of the Council of Trent with regard to original sin, which, we are told, is truly in all men; “*unicuique inest proprium*.”³ *A fortiori* with regard to the sins we commit ourselves.

This much at least is required for the verification of the Scriptural language to which I have already referred. It is admitted by all that there are metaphors and other figures, and hence the Sacred Writers are by no means to be understood in a downright literal sense. But at the same time it is manifest that sin is represented as something more than a transitory act, as something abiding in the soul. Take, for instance, this text of Josue:⁴ “is it a small thing to you that you sinned with Beelphegor, and the *stain* of that crime remaineth in us to this day?” Or take this other expression applied by the Church to the Blessed Virgin: “thou art all fair, O my beloved, and there is no *stain* in thee.”⁵ It is manifest that sin is here represented as something permanent, not passing away with the guilty act, something which we do not fully understand, but which may be best described in metaphorical language as a *stain* upon the soul,—*macula peccati*.

Many such texts could be quoted, if it were necessary, in support of this doctrine. The very title, “Sinner,” and more particularly the denominations “unclean” and

¹ “Quod homo sit corruptus et mutatus non tantum in accidentibus sed etiam in substantia.” 1562.

² *Solida Declaratio* I. § 10; “Affirmatur . . . quod in locum imaginis Dei amissæ successerit intima, pessima, profundissima (instar cujusdam abyssi) inscrutabilis et ineffabilis corruptio totius naturæ et omnium virium, imprimis vero superiorum et principalium animæ facultatum.”

³ Sess. v., De Pecc. Orig., can. 3.

⁴ xxii, 17.

⁵ Cant. iv., 7.

“filthy,” evidently suppose some foundation in the individual, something which is now but was not formerly, when he was the beloved of God and the heir of glory.

With regard to the nature of this positive something, very different views have been put forward.

I. Some of the older theologians taught that it is a kind of morbid physical quality produced by the guilty act. This was held principally with regard to original sin, and was extended to personal by a parity of reason. It will be seen that the opinion approaches somewhat the Protestant doctrine already referred to, with this great difference, however: the heretics maintained that sin, whatever its nature, is not blotted out in justification, but only not imputed; all Catholics maintain the contrary.¹

Now, without taking into account the obscurity in which such things as qualities are always involved, let us ask: what produces this special one of sin? Not the mere act of the sinner; for man's act, if repeated, may produce a *habit* in the soul, but no other permanent physical quality; and that sin is not a mere vicious habit we know from sad experience, for it is only too often found that evil inclinations remain after the guilt has been washed away. It may be said that the morbid quality is produced by God on the *occasion* of the guilty act. But the quality is admitted to be the sin; and we know that God is not the author of sin, that He abhors it, detests it, and will not produce it. Besides, no quality can be of itself evil, as sin is; no quality can become evil except by reason of an accompanying privation; in which case the privation would be the evil, not the quality. This is substantially the reasoning of Suarez.²

Sin, therefore, is not a *physical* but a *moral* entity. In what does this moral entity consist?

II. Scotus held that it is a liability to the punishment due to the guilty act, and that the *state* of sin is the state of being liable to such punishment. This view is advocated by many eminent writers.³ It will be seen that such liability is not a mere nothing,—is a reality; and this reality may be truly said to be in all sinners—“*unicuique inesse*

¹ The opinion is ascribed by many to the Master of Sentences; it had undoubtedly some supporters amongst the Schoolmen. See Suarez, *De Vitiis et Peccatis*, Disp. ix., Sect. ii., n. 2.

² *Ibid.* Disp. viii., Sect. i., n. 5.

³ Vasquez in I., II., Disp. 139, n. 4, quotes Durandus, Joannes Medina, William of Paris, and Gabriel.

proprium"—inasmuch as all are really and truly deserving of punishment.

On the other hand, Scotus is not without his difficulties.

1. It is the teaching of the Church that the *stain* of sin may be washed away and yet some *punishment* remain. Hence the doctrine of satisfaction and purgatory. This would seem to show that the stain is something different from the liability. Dicastillo¹ replies with a distinction: the stain is distinct from liability to *some* punishment, he admits; it is distinct from liability to *eternal* punishment, he denies. To me the answer does not appear satisfactory. For, why is the temporal punishment due? Because of the sin. Now if the stain of sin means nothing more than liability to punishment, it would follow that liability to temporal punishment should be equivalent to a lesser stain; and that, as long as any punishment remains due, the whole guilt is not remitted.

2. There is another difficulty. Why is the person deserving of punishment? Because he is in the state of sin. Therefore the liability to punishment arises from the sin, is consequent on and quite distinct from it.² You may object that the liability to punishment arises from the guilty *act* and not from the sinful *state*.³ The reply is manifest: it does not arise from the guilty act; for even after justification it will still be true that the act was committed, whilst at the same time there will be no liability to punishment. The liability consequently does not arise from the act merely, but from the fact that the act was committed and not retracted—which is quite a different thing.⁴

3. Again, there is a proposition of Baius, the 56th of those condemned by St. Pius V., which is suspiciously like the opinion we are considering. Here is the proposition: "in peccato duo sunt, actus et reatus; transeunte actu nihil remanet nisi reatus sive obligatio ad poenam." It must be confessed that good theologians see a great difference between the doctrines of Scotus and Baius, and most likely many would explain Scotus so as to back up that

¹ De Pœnit. Disp. i., n. 258. ² So Vasquez, l. c., Disp. 139, n. 8.

³ Ibid. n. 259.

⁴ This is called by Dicastillo *radicalis dignitas poenæ*. It is a mere verbal question; but it should be noted that the absence of retractation, or, as De Lugo would call it, the moral perseverance of the act, is required.

view;¹ but considering his opinion as ordinarily set forth, for example in Vasquez or Suarez, it is not easy to see in what it differs from the condemned proposition.

III. According to a third view, habitual sin consists in the privation of sanctifying grace. This is, of course, in the present order. In the state of pure nature it would have been different, for then we should never have lost grace, for the very simple reason that we should never have had it: We should have been *denied* grace, not *deprived* of it. But as we are constituted with our supernatural elevation,—which for us is the real question,—to be in sin means simply to be deprived of the beauty and the glory which come from sanctifying grace.

This is said by De Lugo² to be “*satis communis sententia*.” It is commonly ascribed to St. Thomas, and indeed he does seem to teach it in the Summa.³ Yet it must be remembered that his writings, like the Bible, are quoted in favour of teachings the most opposed. Hence it is that Suarez, who does not by any means admit this third opinion as it stands, refers over and over to St. Thomas in favour of a different view.⁴

1. On the other hand it is urged that this privation of grace is rather the punishment of sin than the sin itself. Why is grace withdrawn? Because of sin. It may be objected that the privation of grace is not the punishment of *habitual* sin but of *actual*. The reply is easy. It is not the punishment merely of the act. For after justification it will still be true that the act was committed; and yet there will be grace in the soul. Therefore it follows that it is not merely the act which caused the privation, but the act as in some way persevering, that is, the habitual sin.

2. Again, according to this third opinion one mortal sin should be as bad as a thousand. For, what is sin? It is the privation of grace. But grace does not go by pieces: the first mortal sin expels it totally from the soul. When it has been expelled by the first, what additional injury in the way of expulsion can be done by the second?

3. There is a third reason. In speaking generally of the stain of sin we do not distinguish in our minds between mortal and venial, and we mean by the stain something which is equally applicable to both. This something can-

¹ So Dicastillo, l. c., n. 264.

³ I., II., Quaest. 86.

² De Poenit. Disp. vii. n. 9.

⁴ l. c. Disp. viii. n. 14.

not be the privation of sanctifying grace, else it could not apply to venial sin.

Against this argument it is urged that, according to St. Thomas,¹ venial sin does not leave any permanent stain behind. It must be confessed that, in the special article referred to, the Angelic Doctor does seem to adopt that view. Yet, here again we see how difficult it is to arrive at the full meaning of his writings. For Suarez² calls attention to an incidental expression in the same article, which would go to prove that, in St. Thomas's opinion, venial sin does leave behind a *macula secundum quid*. Hence, according to Vasquez,³ the Angelic Doctor simply means that venial sin does not leave such a stain behind as would be sufficient foundation for calling the sinner *defiled*, although it would be quite sufficient for saying *he has some little defilement*. If this be the true meaning there is no weight in the objection.

It is beyond the scope of this paper to examine all the difficulties raised against the argument from the stain of venial sin. Many opponents admit the necessity of some stain but differ as to its nature. Some would have it consist in privation of fervour, others in privation of the right to be immediately admitted to the enjoyment of God. When, however, these opinions are carefully considered, they resolve themselves, with regard to venial sin, into the doctrine we have already rejected regarding mortal, that it consists in the deserving of punishment.

There is another view. It is that the stain of venial sin consists in the privation of a certain intrinsic physical form superadded to sanctifying grace and of such nature as to remit venial sin. To discuss this fully it would be necessary to enter on the very disputed question of remission of sin by physical forms,—a matter which is more pertinent to a subsequent paper. For the present let us suppose that venial sin is remitted by such a form as those writers describe. Would the privation of this form be sufficient to explain the venial guilt or the stain? Would not the privation be still a punishment, not a sin? Again; would there not be the same privation before the first venial sin is committed? The form is admitted to be absent at the time in question; and this absence may well be called a privation, inasmuch as, if this form exists at

¹ Summa I., II., Quast. 89, art. 1. ² Disp. viii., Sect. ix., n. 18.

³ In I., II. Disp. 139, n. 18.

all, it must be a perfection connatural to the supernatural state. Besides, if this theory were admitted, we should say that in the matter of theft, for example, mortal sin is specifically distinct from venial; for the former would be a privation of grace, the latter a privation of something else. This would upset all our notions of the distinction between sins.¹

These are some of the objections to the third opinion; let us now examine just one argument in its favour.

Actual sin is a turning from God to the creature; consequently, habitual sin is the state of one who is so turned. How can one withdraw from that state? Only by turning or being turned back again. But remark: as in the present order sin is immediately and formally remitted by sanctifying grace, so it is by the same grace that one is formally turned to God. It is urged accordingly that sin and grace are immediately and formally opposed; and hence the privation of grace must be what is meant by sin.²

There is no denying the strength of this argument. It forced De Lugo³ to admit that, in the present order, "the privation of sanctifying grace is an intrinsic part of habitual sin, not an adequate and determinate part, but inadequate and indeterminate." That is also the opinion of Suarez,⁴ For, according to these writers, besides the privation, there enters into the constitution of sin the guilty act morally persevering. We shall see presently how that may be explained.

IV. Don't be annoyed with me, most patient reader, for inviting you to consider yet another opinion. As many as nine or ten are usually given by writers on this question; I have, so far, mentioned but three, and for your convenience shall put all the rest into one. You will see that this theological mixture has in it a sort of convenience, for the disciples of many masters will find their pet theory represented as true. May I hope to avoid the usual inconvenience of being denounced by all for not representing any one correctly!

De Lugo shall supply the substance of my explanation of this fourth opinion; it will be necessary to point out afterwards how others differ from him.

¹ So Dicastillo, Disp. I, n. 273.

² So Suarez (from St. Thomas), l. c. Disp. viii., n. 15; also Thys, p. 230.

³ Disp. viii., n. 19.

⁴ Ibid.; see also Dicastillo, Disp. i., n. 295.

According to this great theologian, habitual sin is nothing more than the guilty act morally persevering. It does not persevere physically, as is manifest; for the act of theft, for example, may have long since passed away. In what does this moral perseverance consist?

It is evident that acts of the will—in which principally sin consists—may remain *in some way* after they are physically past. Thus, for example, by virtue of an intention formed before mass, a priest may validly consecrate and apply the holy sacrifice. His former act remains in some way. Hence theologians usually distinguish three kinds of intentions—actual, virtual, and habitual. It might be interesting to explain these, but there is another kind more to my present purpose. For an act of the will may be physically past, and remain neither virtually nor habitually, and yet be said to remain in some way.

This will, perhaps, be most easily shown by examples. Take the making a vow. Julius is bound by his act not merely when he makes the vow, nor for two or three days or weeks afterwards, but as long as he intended to bind himself; and, if there be no restriction, for his whole life. Here we have neither actual, virtual, nor habitual will. For, virtual intentions, if not renewed, are interfered with by lapse of time; and even those which are habitual will be destroyed by retractation at least; but even though Julius retracts his vow ever so often, still, without a dispensation, it will continue to bind.

Again, take a case in contracts. If Julius gets married his act will not immediately pass away. For his whole life he must stand to his contract; nor, should he find it inconvenient, will it suffice him to retract. This is a special kind of perseverance, which is called moral for want of a better word.

For, let us examine these cases and see what it is that remains. Why is Julius bound by his vow or by his contract? Because in the common estimation of men he is in the same position after a year as when his act was being elicited. When he made his vow or his contract he engaged to do a certain thing. After some time he wishes to retract but cannot. Why? Because, as people ordinarily judge, he ought to stand to his bargain; and if he does go back of his word, all good and honest men will condemn him for doing so. Of course he will be also obliged by the law of God; but it will not bind him without the concurrence of his own act, which is not a

mere condition but has a positive influence in the sense explained. It is because of this appeal to the common sense of mankind that we use the term *moral* perseverance.

Let us apply this to the question before us. When Julius sins he does what is offensive to God,—what God has a right to punish. But put it to any honest man: does God's right to be offended and to punish cease when the guilty act passes away? Has Julius in five minutes afterwards a right to be on the same terms with Almighty God as he was before? You may distinguish: if Julius could make complete satisfaction, or if God forgave him, yes; otherwise, surely no. Hence, the guilty act does not pass away, but morally perseveres,—in this sense, that as long as he cannot make complete satisfaction, and will not be forgiven, so long will all good men think he should take the consequences of his act.

Hence, in De Lugo's view, habitual sin is nothing else than actual sin morally persevering so as reasonably to render a man hateful to God. The foundation of this moral perseverance is, that the man sinned and cannot make complete satisfaction, whilst God has not pardoned the offence; on which account all good men will think that the past sin remains, equivalently rendering the sinner as deserving of God's hate as if he actually entertained the very physical guilty act of the will.¹

There is just one observation which it may be useful to add. An act may morally persevere so as to produce one effect and yet not produce others. Take the case of a law binding under a heavy penalty. The superior may dispense in the penalty and retain the obligation; or he may dispense in part of the penalty and retain the remainder. How will it be retained? By virtue of his former will morally persevering, which yet does not remain with all its former force.

So in sins. The guilty act gives God two rights—to be offended and to punish. He may, therefore, cease to be offended without yielding his right to punish; or he may yield more or less this very right of punishment. Thus we shall have a scientific foundation for the doctrine of satisfaction for sin.

So far I have been trying to explain De Lugo's opinion. In connection with him, it is interesting to read Dicastillo, who always takes up the views of the distinguished Cardinal

¹ Lugo, Disp. vii., n. 48: he quotes Suarez, Granado, Vasquez.

and subjects them to a severe examination. There are many things with which Dicastillo finds fault in this whole theory; it will be sufficient to notice one or two special points.

1. In the first place he is not at all pleased with that moral perseverance of the actual sin, nor with the examples from which it is illustrated. Dicastillo contends that in vows and contracts it is not the act of will which perseveres so much as the obligation which that act caused. And just as heat once produced can last after the fire is extinguished, or as the character of Baptism outlives its cause, so this obligation can survive the act from which it sprung. It is true that we are accustomed to speak of the permanence of vows and of marriage, but this is only a figure of speech; what does remain is the obligation which, by metonymy, gets the name of that by which it is produced.

This may be all very true; but, in reply, may it not be asked: what is the obligation which remains? Is it merely the binding will of God on the one side, and the state of being bound on the other, the former human act being merely a condition? Or has that human act—the act of vowing or of marrying—a positive influence on the obligation? If it has, may it not be well said to morally persevere?

2. For himself Dicastillo would have habitual sin consist in this, “that a person sinned actually and has not retracted.”¹ Such, he says, is the common opinion except amongst disciples of De Lugo. He continues: actual sin consists in turning away from God to the creature; and accordingly it can be retracted only by the contrary process,—that is, by turning from the creature to God. We need not at present inquire how this can be done. Let it be any way you will, formally or radically, by an act or by a habit; once the retraction takes place,—once the sinner has efficaciously turned from the creature to God,—that moment his sin ceases to exist. Hence Dicastillo’s doctrine, that habitual sin does not consist of the guilty act alone, but requires in addition the absence of retraction.

Now all this would seem to be only De Lugo’s doctrine put into different words. De Lugo would have habitual sin consist of the guilty act *morally persevering* as long as it is not *condoned or satisfied for*. Dicastillo would have the same habitual sin consist of the same guilty act as long as it is not *retracted*. If, therefore, the act can be *retracted*

¹ Disp. I., nn. 295, &c.

only by free *remission* on the part of God or *complete satisfaction* on the part of the sinner, one view is merely a different expression of the other.

3. Hence, for the purpose of this paper, I consider myself justified in treating these and all other kindred opinions as practically one. They do indeed differ in minor points. Thus, for instance, De Lugo¹ would have the absence of retraction, such as practically he requires, enter into the intrinsic constitution and essence of the sin. This Dicastillo denies.² Again, they and others differ somewhat with regard to the necessity of some intrinsic change in the sinner before his sin can be remitted;—that is, speaking absolutely and not considering the present order of things. Some of these and like controversies are mere disputes about words. Others are more important but more pertinent to the scope of another paper which will tell how sin is remitted. For the present this conclusion may be drawn, that, according to the common opinion, habitual mortal sin is nothing else than actual sin morally persevering as long as it is not retracted, or as long as the soul is deprived of sanctifying grace.

It may not be out of place to add a few words with regard to original sin. Great difficulty would be avoided if we could admit the opinion of Pighius and Catharinus, that habitual sin is nothing more than the privation of sanctifying grace. For it is easy to see how all children may be born with such privation. It just is as if a father by his folly and extravagance squandered an immense property and reduced himself to beggary. His children will have no right that people should endow them anew with their father's riches. They will be born beggars; yet not like common beggars, for what in others is want will be privation in them. They have to suffer, not for their own fault but for their father's folly, in whom they may be said to have lost their property.

In like manner we have no right to the possessions of our first father; yet are we not in the same position as if these treasures had never been ours in right? They should then have been *denied*, we are now *deprived* of them, not through our own but through our father's fault. In him, therefore, we may be said to have sinned.

This opinion, though not formally condemned by the Church, has found no supporter after the Council of Trent.

¹ Ibid. Sect. vi.

² Disp. I. n. 290.

For, according to the doctrine laid down by that learned and holy Council, original guilt, whatever it may be, must be acknowledged to be real sin and to be truly in all men. Now, according to St. Augustine, who says the same is the teaching of all, there can be no sin except it be voluntary. But not merely did Pighius and Catharinus require no voluntariety, only privation in the sense explained; but also, in their view, original sin would not be a thing intrinsic, but a mere extrinsic denomination,—the imputation to us of Adam's fault.

Hence something more is required by those theologians who are of opinion that all habitual sin consists in the privation of grace. They recognise that we are all born in real sin, and that our original sin must be in some sense voluntary. But how voluntary? Not by an act of each individual will, for original sin is found in infants who are not responsible for their acts. It is voluntary, therefore, in the will of Adam; "by the disobedience of one man many were made sinners."¹ How this can be I shall try to explain by-and-by.

So far for one explanation. Those who prefer the other view of habitual sin, that it consists not so much in privation of sanctifying grace as in the moral perseverance of the guilty act, will have to follow out their theory consistently, and to show that it will suffice to explain the nature of original as well as personal sin. It can be shown, fortunately, almost in De Lugo's² very words.

What actual sin is it that morally perseveres, or if you will, is not efficaciously retracted? Not the sin of each individual, as is manifest. It must therefore be the sin of Adam, which is in some way ours also, and which being once committed by us and ascribable to us, abides in our souls, as already explained, until atoned for or forgiven.

But every sin must be in some sense truly voluntary. How voluntary in this case? Not in our own will but in the will of our first father Adam, by whose disobedience we all are born in sin. Remark how the two explanations come practically to the same thing.

Here then, whatever view you take, comes the real difficulty. How can one man sin in another's will? This is a mystery which no theologian proposes to clear up fully. We know that it must be so; we don't know *how* it can be. At most, some little may be done to show that

¹ Rom. v. 19.

Ibid. Sect. vii.

the doctrine is not, as many Protestants contend, evidently repugnant.

It is admitted freely that if two persons be in no way connected, one cannot sin by the other's act. What we have to do therefore is, to point out some link between our first father and ourselves, by reason of which his wilfulness may be ascribed to us. It will not suffice to say he is our common parent; for that would prove not merely his first but all his subsequent sins to be ours also.

There is one thing quite certain in this very difficult matter; it is that the supernatural gifts with which Adam was endowed, were intended not for him alone but for all his posterity. Let us therefore make a supposition. Let us suppose that when God decreed to give these supernatural gifts to men, he did not consider the individuals as such, but viewed them in a body as forming one human family. This one moral person he elevated to the supernatural state. Of this great family Adam was the head; and to him in his capacity of head were given those gifts and graces which he was to transmit together with human nature to his children. It was not as an individual man, but as representing the human race, that Adam received these favours. He could dispose of them well or ill, by obedience or disobedience, but still in his representative not in his private capacity. His will was the will of the whole human race whose representative he was; and as, if he had persevered, his descendants should thereby have been made partakers of his blessings; so, when he fell, the whole moral person was made to share in his guilt.¹

Of course all this is only a supposition. Not only so; it is but one of many suppositions which may be and have been made. That each one is truly born in sin we cannot deny. If our supposition or any other serves to show, were it only "through a glass in a dark manner," how this can be, let it be accepted with thankfulness, not indeed as fully explaining all difficulties. They will disappear finally only when the veil shall be withdrawn, and we shall see face to face the infinite exemplar of all creatures, the source of all knowledge, and the key to every mystery.

WALTER M'DONALD.

¹ See St. Thomas I. II., Quaest. 81, art. 1; Suarez, l.c. Disp. ix. sect. III. n. 29; Thys, p. 264.

STUDIES ON ENGLISH LITERATURE.

THE ELIZABETHAN PERIOD.—V.

MIRACLE PLAYS—(CONTINUED).

BUT not only in simple pathos and in broad humour do these Miracle Plays abound; they at times show a power of imagination which we often assign exclusively to a more recent period. In the thirty-first Coventry mystery the subject is Pilate's Wife's Dream, and this is how the dramatist accounts for it.

The devil, in revenge for his failure at the temptation in the wilderness, has brought about all the sufferings of Christ. He is now expecting the crucifixion, and that our Lord will then descend into hell; he knows that, and yet he is half afraid of what will come of it. So he calls out to a devil to prepare to bind him with chains as soon as he comes down. The devil below exclaims in anger—

Demon. " Out upon thee, we conjure thee
That never in helle we may him see;
For and he once in helle be,
He shall our power brest."

So Satan thinks he will save Christ's life, and keep him out of hell: whereupon he hastens to Pilate's wife and inspires the dream.

Previously, in the twenty-second Coventry mystery, the temptation is preceded by a council in hell, where the arguments are not unworthy of Milton, though, of course, the language is much simpler. Satan begins with becoming compliments to his advisers—

Satan. " Now Belyalle and Belzebub, ye dear worthy devils of hell,
And wisest of council among all the route,
Hark now what I say, a tale I shall tell
That troubleth sore my stomach, thereof I have great
doubt."

The question is how shall it be found out whether Christ be the Son of God or not—

Belyalle. " The best wit that I can say
Him to tempt forsooth it is,
With subtile wiles if that thou may
Assay to make him do amiss."

¹ Burst or destroy.

When the temptation has been determined upon, and its form arranged, Satan is sent forth to the work with their diabolic blessings—

Belzebub. "Now, lovely Lucifer, in hell so derke,
King and lord of sin and pride,
With some mist his wits to merke
He send thee grace, to be thy guide,
And evermore be thy speed!"

Belyalle. "All the devils that be in hell
Shall pray to Mahound, as I thee tell,
That thou mayest speed this journey well,
And comfort thee in this deed."

Mahound, or Mahomet, is constantly invoked alike by pagans and devils in these mysteries, by a bold anachronism.

Some of the kingdoms of the world are thus set forth in the temptation :—

"Turn thee now on this side and see here Lombardye
Of spicery there grow many an hundred balys :
Archas and Aragon, and grett Almonye,
Parys and Portyngale, and the towne of Galys,
Pownteys and Poperynge, and also Pycardye,
Erlonde, Scottlonde, the londe of Walys."

England is not mentioned, either because, as we suppose, it did not belong to Satan, or, as others may think, because he wished to keep it for himself.

The Chester collection has, we said, one play, "*De Adventu Antichristi*," which has no counterpart in the other volumes. The argument is sufficiently curious to require some notice.

Antichrist assumes almighty power, and raises two dead men; moreover, he dies himself and comes to life again. There are four credulous kings who are convinced by these seeming miracles, and in reward he gives them what are called the four kingdoms of the world—

"To thee I give Lomberdy,
And to thee Denmarke and Hongarye,
And take thou Ponthus and Italy,
And Rome it shall be thine."

Which distribution, to say the least, would have puzzled the kings to carry into effect by drawing the boundary lines. But to proceed with the story.

Enoch and Elias arrive to dispute the claim of Antichrist,

and the three wrangle away in pretty strong and personal language. At last Elias challenges Antichrist to make the dead men, whom he has before raised, eat something which he will give them.

Thereupon Elias blesses some bread in the name of the Trinity, signing it with the sign of the cross. The men raised from the dead, dare not taste it. This convinces the four kings, who return to the Faith and reject Antichrist, who thereupon in a fury draws his sword and kills them, and also Enoch and Elias. The archangel Michael arrives and does execution on Antichrist. The devils carry him to hell, while Enoch and Elias arise and depart with Michael to heaven.

The acting of the Miracle Plays continued through Reformation times and thus were contemporary with Shakspeare, to whom, at least as a boy, we may be sure they were familiar; Coventry being within easy reach of Stratford-upon-Avon. But, as we should expect, they did not pass altogether unscathed through that fiery period. The Widkirk collection has what may be called reformation erasures. Such a passage as the following of course fell under censure, and so was to be omitted in acting, being decidedly Popish:—

“ Here I thee anynt also with oyle and creme in this intent,
 That man may wit whereto they go, this is a worthy sacrament.
 There are [] others and no more, to which thyself to
 teach was sent,
 And in true tokyn one of these, the first, on thee now is
 spent ”

‘ *Corrected, not played,*’ says the margin significantly, while the blank in the third line is made by a complete erasure; for, by this time five of the seven sacraments had gone, and were scratched out of the new faith as clean as the obnoxious word out of the old play.

But though the Miracle Plays held their own for so many centuries, the time came when they had at first to admit characters of another kind among them, then to yield the front place to these intruders, themselves dropping into the back ground, until at last they quitted the mimic scene entirely, and left the people to the tender mercies of these new comers. Not that the old plays were re-written on the new model, but that fresh authors produced works in these different stages until the *Morals* or *Moralities*, as they were called, became for a time the fashion.

In this class of drama the characters are allegorical, abstract, symbolical, and the story is intended to convey a certain moral lesson, "for the better conduct of life," says a commentator, though how far they attained their end, and how the people relished this half-veiled preaching, he does not say. Probably the success was not great, for they soon passed away in England at least, though as Mr. Denis Florence M'Carthy¹ teaches us by his admirable translations, they were a real and abiding power through Calderon in Spain.

So abstractions forced their way among the living realities, and in time fairly, or unfairly, ousted them from the popular drama. Morals came into the place of religious facts; Veritas, Justitia, Pax and Misericordia superseded Joseph, Mary, and our Blessed Lord Himself; and those who cried out lustily for the Bible, the whole Bible, and nothing but the Bible, closed its inspired pages, and sought elsewhere for material for public instruction. The new Moralities required a popular element, and so a vulgar buffoonery was invented to serve the turn, and comic abstractions frisked and clattered on the stage. Strangely enough Death and Vice were selected for these ludicrous parts, Death with a bottle nose, ugly face and long tail, crying out for pity and help, while Vice castigated him, frequently mounted upon his back; Vice being dressed in motley, the fool's wear, with cap and bells, as might in those days be seen in many a noble and royal household. Such plays prevailed in the reign of Henry VI., and came to perfection in that of Henry VII., but they had no real life in them. However, they helped on the dramatic advance, and created a taste, when the love for simpler things had passed away, which only the drama of real life in the hands of Shakspeare could satisfy.² But this brings us on from

¹ Alas! that, while these pages are passing through the press, Ireland should have to mourn the loss of one of her sweetest singers, and the English-speaking world that of the most successful translator that perhaps it ever possessed, for such in truth was Denis Florence M'Carthy.

² That the old form of Miracle Plays lingered on in England into more recent times we have proofs in chance notices, like the following play bill which is to be found in Hone's edition of *Struth's Book of Sports*, p. 273, and belongs to the reign of Queen Anne. "By Her Majesties permission, at Heatly's Booth, over against the Cross Daggers, next Mr. Nillar's booth, during the time of Bartholemew-Fair, will be presented a little opera, called *The Old Creation of the World*, newly revived; with the addition of the glorious battle obtained over the French and Spaniards by his Grace the Duke of Marlborough." Then

the region of early manuscripts, and lands us amid the printed plays which careful authors edited for themselves. Among these we may mention the productions of one which attracted attention in his day, and that in Ireland, though not exactly in a way an author could desire. Bishop Bale of Ossory—"foul-mouthed Bale," as Anthony-a-Wood called him—wrote four miracle plays or moralities, "to promote the Reformation," as we are told. Once he was Prior of the Carmelites at Norwich, but in time turned Protestant and married, for which double act of heroism he was protected by Cromwell—the first of that name—he retired for awhile on the death of his patron, was lost to sight in trying times, but turned up again on the accession of Edward VI., and was rewarded with the Bishopric of Ossory in 1552.

He has left us a highly characteristic account of what came of this in a pamphlet which has been preserved in the Harleian Miscellany (vol. 6, p. 437), which he calls *The Vocacyon of Johan Bale to the Bishoprick of Ossorie in Irelande, his Persecutions in the same and final Delyveraunce*. Publishing it in foreign parts, in Mary's reign, he, with his usual impudence and mendacity, says that it is printed in Rome, opposite the Castle of St. Angelo, and on the Feast of St. Peter. It is in black letter, and fills 98 pages. He fortunately raised difficulties about his consecration in Dublin, insisting upon the new rite, and thus made his consecration null and void, and saved the Irish roll of bishops from the blot of his name. When he reached Kilkenny, he set himself to preach the new religion with a zeal and courage worthy of a better cause. He shows in this pamphlet how well he deserves the name Wood gave him: for he abuses other bishops, his own clergy and people, and indeed all he names—except a favoured few—in most unmeasured language. However, before a year has past, Edward VI. dies, and Mary becomes queen. The abused Chapter turn upon him, and urge that he should sing a

follows "the contents" in fourteen miracle plays; much scenery is promised (especially in the last, when Lazarus is carried into Abraham's bosom) "to the admiration of all spectators." But lest their attractions backed by the Duke's victory, should not draw, there is an additional promise of "dances, jiggs, saraband, anticks and country dances between each act, with several other things never yet exposed. Performed by Matt Heatly. Vivat Regina." The taste for the primitive drama had evidently died out, when such accessories were needed to make them acceptable.

requiem Mass for the dead king, as the queen had ordered to be done in London!

When the Ladye Mary is proclaimed, on August 20, 1553, "I took," he says, "Christ's Testament in my hand and went to the Market Cross at Kilkenny, the people in great numbers following. . . . In the meantime had the prelates gotten two disguised priests—one to bear the mitre before me, and another the crosier—making three procession pageants of one." Evidently they had no mercy upon him. But what more concerns our present purpose is what follows. "The young men (who seem to have been a certain number of hangers-on of the Parliament held there, and so maintainers of Bale) in the forenoon, played a tragedy of *God's Promyses in the Old Law*, at the Market Cross, with organs, plaines and songes, very aptely. In the afternoon, again they played a commedie of *Sanct Johan Baptiste's Preachings*, of *Christ's Baptisyng*, and of his *Temptacion in the Wildernesse*, to the small contentacion of the prestes and other papistes there." The first of these three in no sense deserves the name of a tragedy; for it is simply a series of seven dialogues of Pater Caelestis, with the following personages thus designated:—Adam, primus homo; Noah, justus; Abraham, fidelis; Moses, sanctus; David, rex pius; Esaias, propheta; and Johannes Baptista. Good works are at a discount, and faith is all in all. It is a dry and hard production, and must have wearied the young men who played it, as the general audience to whom it afforded "small contentacion." The afternoon comedy is certainly more lively, and with its palpable hits at contemporary events, and a really clever misapplication of the language of Scripture to the controversy between the old faith and the new teaching, may have raised a laugh among the thoughtless, however it must have made the judicious grieve. Its full title is more explicit of its aim: "A brefe Commedie or Enterlude of Johan Baptyste's Preachynge in the Wilderness, openynge the craftye Assaultes of the Hypocrytes, with the gloryouse Baptysme of the Lord Jesus Christ, compyled by Johan Bale, Anno MDXXXVIII." The characters are Pater Caelestis, Johannes Baptista, Publicanus, Pharisaus. Jesus Christus, Turba Vulgaris, Miles armatus, Sadduceus. It opens with an address, after which the publican, soldier, and a plebeian come for instruction to S. John, and duly receive his baptism. Then a Pharisee and a Sadducee come to argue and quarrel with the Baptist, and are evidently intended to

represent Papists, while S. John is a model Protestant. The dispute grows warm, as may be judged by a few lines—

Pha: "It becomes not thee to show what we shall do,
We know the laws and prophecies too :
Go teach thy old shoes, like a busy prating fool ;
For we will none be of this new-fangled school.
We are men learned, we know the ancient laws
Of our forefathers, thy news is not worth two straws."

Then they prudently retire lest a tumult should arise. The baptism of our Lord then follows, and the whole winds up with a long address from the author in his own person. Baleus prolocutor, of which our readers will probably be content with a modernized specimen—

"The way that John taught was not to wear hard clothing,
To say long prayers, or to wander in the desert,
Or to eat wild locust ; for he never taught such thing,
His mind was that faith should purify the heart.
Give ear unto Christ, let men's vain fancies go,
As the Father bade by his most high commandment,
Hear neither Francis, Benedict, nor Bruno,
Albert nor Dominic, for they new rules invent.
Believe neither Pope, nor priest of his consent,
Follow Christ's Gospel, and therein fructify,
To the praise of God, and his Son Jesus' glory."

We have not been able to find the third play here spoken of as performed on this memorable occasion. There is yet another of the same character and apparently still more violent in its abuse, which he seems wisely to have kept back from his trilogy. He calls it "A new Commedie or Enterlude concerning *Three Laws, of Nature, Moises and Christ.*" He says, "therein is largely declared how that faytheless Antichrist of Rome, with his clergie, hath been a blemysche, darkener, confounder, and poisoner of all wholesome laws."

He made his residence, at Holme's Court, so hot for himself, that "Robert Shea, a man sober, wise, and godly, which is a rare thing in that land, whom they name the Suffren,¹ escorted me, with a hundred horsemen and three

¹ Previous to 1609, Kilkenny was simply a borough, governed by a corporate body, consisting of the "upper twelve" and the "lower twelve," who annually elected from among themselves a *Sovereign*. At that date James I. granted Kilkenny the great charter, which raised the town to the dignity of a city, styling its chief magistrate mayor, instead of sovereign, as previously.—*Journal of Kilkenny Archeological Society*, vols. for 1864-6, 1870-71.

hundred footmen, and so with great strength brought me that night to town (Kilkenny), the young men singing psalms and other godly songs all the way in rejoice of my deliverance." But soon he shook the dust off his feet, and "early in the morning, by help of friends, I conveyed myself away to the Castle of Lechline, and so forth to the city of Dublin, wherein I, for a certain time, among friends remained."

It would occupy too much space, and carry us too far from our subject, to follow Bale through his many misadventures, until he settled himself at Basil in Switzerland, where he remained until the accession of Elizabeth brought him back to England, and to a prebend of Canterbury. He never set foot in Ireland again, and so the people of Kilkenny saw the last of him on that morning when he conveyed himself away, and doubtless bore with equanimity the loss of the bold, impudent, and "foul-mouthed" intruder.

There were Miracle Plays performed at that market cross before the intrusion of Bale, but there seems to be no copies of them in existence. After his time, amended and adopted performances took place, until the Cromwellians brought them to an untimely end. In more recent days Kilkenny revived its reputation for dramatic performances; but with these we have nothing to do, Bale having already carried us too far away from the ancient Catholic Plays, of which we have ventured to write.

We must not, however, conclude our paper without giving what is the first¹ express mention found by a diligent inquirer of the representation of mysteries and moralities in Ireland. He quotes from the manuscripts of Robert Ware the following:—

"Thomas Fitzgerald,² Earl of Kildare, and Lord Lieutenant of Ireland, in the year 1528 was invited to a new play every day at Christmas; Arland Usher being then Mayor, and Francis Herbert and John Squire, Bayliffs, wherein Tailors played the part of Adam and Eve; the Shoemakers represented the story of Crispin and Crispianus; the Vintners acted Bacchus and his story; the Carpenters that of Joseph and Mary; Vulcan, and what related to him, was acted by the Smiths; and the comedy of Ceres,

¹ Historical Essay on the Irish Stage by J. C. Walker, Transactions of Royal Irish Academy, vol. 2, 1788.

² This name is obviously a mistake which Mr. Gilbert (History of Dublin, vol. 3, p. 3) has corrected by substituting "Pierce Butler, Earl of Ossory."

the goddess of corn, by the Bakers. Their stage was erected at Hoggin Green (now called College Green), and on it the Priors of S. John of Jerusalem, of the Blessed Trinity, and of All Hallows, caused two plays to be acted; the one representing the Passion of our Saviour, and the other the several deaths which the Apostles suffered."

It may be noted, in illustration of the tenacity with which corporate bodies cling to ancient traditions, that the trades of Dublin in the present day carry on their processional banners the symbols of the very plays which they performed three or four centuries ago.

Here we have a scene of peace and festivity which it is pleasant to note in days of change and tumult. The Corporation entertains the Lord Deputy with a literary banquet, and the whole is crowned by the religious mysteries with which the three Priors bless the feast.

But within a very few years how changed is the scene. A new Lord Deputy comes on the stage who, we may say, inaugurates his rule by open rebellion; the citizens resist him stoutly, and defend successfully the metropolis; and for their reward King Henry, with characteristic generosity, gives them what does not belong to him—namely, the whole property of one of the Priors which took part in the recent revels. The Prior and Canons of All Hallows are forced in 1538 to surrender all they have to the Royal Commissioners, of course, as they are made to declare, of their own free will, and "for certain just and reasonable causes thereto moving their mind and consciences,"¹ and in 1539 the Corporation receives the Royal Gift, for an annual payment of four pounds four shillings and three farthings. But what of the rebellious Lord Deputy who, at least indirectly, brought about all this change? His story is well known, but so striking is its opening scene that it will bear telling again.

When Gerald Fitzgerald, Earl of Kildare, was suddenly called to England in 1534, he left his young son Thomas as Lord Deputy in his place. The rumour reached him in the following June that his father had been beheaded in the Tower of London. It was not true, for the Earl was alive at the time, though he died six months later a natural death in that prison. "Silken Thomas," as the young Deputy was called, for his love of splendour and the refined taste he

¹ *Registrum Prioratus Omnium Sanctorum*, p. xxix. Irish Archaeological Society, 1845.

showed in indulging it, believed what seemed so probable a report, and rose in arms. He was very young, scarcely of age, and was perhaps hot-headed, as he was certainly hot-hearted. So he put himself at the head of a following, and rode in silk attire to the council chamber, and poured out his grief and indignation in memorable words with which all must sympathize.

In the very tumult of his feelings he showed himself as chivalrous as he was brave, as true a knight as he was a loving son, and thus he spoke:—

“However injuriously we be handled and forced to defend ourselves in arms, when neither our service nor our good meaning towards our Prince’s crown availeth, yet say not hereafter but in this open hostility which we here profess and proclaim, we have showed ourselves no villains nor churls, but warriors and gentlemen. This sword of state is yours, and not mine; I received it with an oath and used it to your benefit, and I should stain mine honour if I turned the same to your annoyance. Now have I need of my own sword, which I dare trust. As for the common sword, it flattereth me with a painted scabbard, but hath indeed a pestilent edge, already bathed in the Geraldines’ blood, and now is newly whetted in hope of a further destruction. Therefore save yourselves from us as from open enemies. I am none of Henry’s deputies, I am his foe. I have more mind to conquer than to govern, to meet him in the field than to serve him in office. If all the hearts of England and Ireland, that have cause thereto, would join in this quarrel, as I hope they will, then should he soon be made sensible, as I trust he shall, of his tyranny and cruelty, for which the age to come may lawfully score him up among the ancient tyrants of most abominable and hateful memory.”¹

In vain the Venerable Primate and Chancellor, George Cromer, of Armagh, besought with tears, the impetuous youth to renounce his desperate design; he would not listen, and so the Rebellion of Silken Thomas began, raged with more or less success for nearly two years, when another Geraldine fell, not even with the knightly honour of the sword, but by the ignominious death of the halter.

But we must in conclusion say a word with respect to the destination of the property of which the Priory of All Hallows was deprived.

In 1592 the Corporation of Dublin surrendered the greater portion of it to the College of the Holy Trinity, which Queen Elizabeth had just founded, and for which, unlike their predecessors, they were duly paid. A large portion

¹ *Annals of the Four Masters* (note A.D. 1537).

remained, and still remains in their possession, and this they call the estate of All Hallows. A more remarkable memorial of the good old times is, however, to be seen on the Clonturk portion of this estate, of which the great Missionary College of Ireland holds a thousand-year lease. For this reason it is called All Hallows' College, standing as it does upon the very ground which, more than six centuries and a half ago, was "given by Thurstan, son of Vincent de la Stande and the Bishop of Ossory, to God and the Church of All Hallows, and the Canons who serve God therein."¹

HENRY BEDFORD.

THE EFFECT OF EMIGRATION ON THE IRISH CHURCH.

WHEN Emerson on his second voyage to England, thirty-five years ago, passed along the southern coast of Ireland, looking with the eye of a poet on the green fields that clothed the bold headlands of Cork and Kerry, he observed: "As we neared the land, its genius was felt. There lay the green shore of Ireland, like some coast of plenty. We could see towns, towers, churches, harvests; but the curse of eight hundred years we could not discern." The experience of the Irish priest differs from the experience of the American philosopher. The curse is only too visible to us. Nor is there any sign that it is about to be immediately lifted. Nay even, as the years go on, and civilization advances, and new republics are created, and new races spring into existence, and with buoyancy and vigour push along in their course of success and happiness, that awful curse seems to be sinking deeper and deeper into the fate and fortunes of our country. Strangest problem of all, to which no historian will ever find a key, which the great day of Retribution alone will solve, our people, banned, persecuted, and exiled, with the curse clinging to their very garments, are yet not only the apostles of a saving faith, but the only elements of the stability and strength with which these new races, proud but powerless, can be ever cemented together.

¹ *Registrum Prioratus Omnium SSorum*, p. 54, A.D. 1230, for this deed of gift, and p. 55 for that of the Bishop of Ossory, of his portion of the same, A.D. 1229.

Yet Ireland has not wanted physicians to cure her temporal ills, nor seers and prophets and conjurors to exorcise the evil spirit that possessed her. With terrible iteration she has been subjected to the operation of every new method of statecraft and spiritercraft that human ingenuity could devise. Remedial measures, alternately drastic and soothing, have been applied; and yet she remains what she was made seven hundred years ago, an 'interesting case,' confessedly incurable, and with morbid symptoms enough to engage the attention of every fresh expert that shall come to the front during the next fifty years in the schools of English politics. In our days, however, a new departure has been made—not "new" in a historical sense, but in the sense that a well-tried system has been revised and refitted with all modern improvements. It has been discovered that, notwithstanding the loss of half her life blood, three millions of her people in thirty years, Ireland is still suffering from congestion. And not only professional, but amateur politicians are hurrying forward with zeal to relieve her. A Bill has just passed through Parliament for advancing State aid to assist emigration; private speculators, very active within circumscribed limits, are carrying out the new experiment; it is urged on and warmly recommended by leader writers and pamphleteers; thousands of pounds are subscribed by philanthropists and doctrinaires; tens, and hundreds of thousands are subscribed by the landed gentry for the same purpose, and a new plantation of the country openly suggested. Now, how does all this affect us, Irish priests? How does it affect the Church with which we are so closely identified? What influence has this perpetual, never-ceasing exodus of our race upon the future fortunes of the Irish Church? We desire to discuss the question without any reference to existing controversies, except where facts are to be adduced in corroboration of principles or statements. We have no desire to import the angry elements of political strife into the calm pages of a theological journal. We simply wish to show the effect on the Church of this terrible drain on the strength of the country. It is a question in which we are deeply interested. We may belong to that section of the Irish priesthood, whose sympathies with our long suffering people are so intense, that the master passion of their lives is to see that people glorified, and its unutterable wrongs avenged; or we may belong to that milder school who believe that politics is "that mighty drama, where

men vex themselves, and God leads them;" but whatever shades of opinion the Irish priesthood may profess, all are blended in a passionate pride at the glories of the Irish Church in the past and present, and an enthusiastic faith in the extension and perpetuity of those Christian triumphs, which form at once her martyrdom and her crown.

Now, to what extent has the Irish Church suffered in the past? Our losses for the last thirty years have been so frequently mentioned that they no longer excite either curiosity or pain. It is enough to say that the Irish Church has been shorn of half its strength during that period. It has lost half the merits that would have been accumulated in that time by a nation of saints, half the merits that would have been stored away in the treasury of Heaven, gained by the patience and the prayers, the humility and stainless purity of our people. It has lost, too, half its material strength¹—half the assistance that might have been given to works of religion and charity by a people who would sacrifice their last shred of clothing or food for the honour of God and the glory of the Church. We are afraid we should scarcely be believed, if we drew from the experience of the present a picture of what Ireland would have been, had her three millions of children been spared her. With all her poverty and misery, she has spent on works of ecclesiastical architecture alone £4,000,000 in thirty years; and during that time she was afflicted with three famines that would have swept from the earth any nation not endued with her marvellous vitality. What would the Irish Church have been if the towns, now half deserted and impoverished, were filled with Catholic populations, full of Celtic faith and generosity, carefully directed under the skilful hands of holy directors through the medium of confraternities and sodalities? What would she have been if her rich valleys teemed with life, the fruitful life of the "first peasantry in the world," as Lucas used to call them? What would she have been if her schools were filled with that brave, strong, bright-hued, bright-eyed youth, who have upheld the honour of Ireland and Ireland's faith in the sanctuaries, the senates, the forums, and the exchanges of the world? What would she have been if her convents were filled with those gentle, holy children, whose innocence and simplicity shining

¹ The total population of the county Tipperary in 1841 was 453,553. In 1871 it was reduced to 249,106, and in the Census for 1881 it was set down as 190,612.

through their faces attracted the attention of Dr. Newman thirty years ago, and showed him what hereditary faith and holiness can do in effecting even a transfiguration of the features? What a mighty army of trained missionaries we would have sent forth if Ireland's power and the energy of her children were unimpaired! It would have been in truth the ideal of a Christian Church. Well, God's will be done! God knoweth best! We cheerfully made the sacrifice, and behold our reward! The exiles have prospered. The 3,000,000 have grown to 10,000,000. The Irish towns are deserted, but the American cities are filled. We miss many a stately spire, many a sanctuary of learning and piety; but the same hands that would have built them here, have raised them in ten-fold number and grandeur and magnificence through every city of the States. Our valleys no longer echo with the murmur of the Rosary, told in the fields and cottages, but the Indian has learned that dear prayer from the Irish exile, and it echoes from Aherlow through the gorges and canons of the Rocky Mountains. Our people no longer dwell under the "little span of sky, the little patch of stars," that covers the land of their birth; but the blue firmament springs over them from the horizon of the boundless prairies, and the eye of God is there.

Let us come back to the present. During the last three years, emigration, that might be almost said to have ceased, has set in, in a full strong tide that reminds us of the panic of the famine years. During the first four months of this year, 39,000 Irish people passed through this port of Queens-town *en route* to America; and I think we shall not exaggerate when we state, that during the same period at least 10,000 left for America or England, through Londonderry, Limerick, Galway, and Dublin. This is a total of 50,000. During the same months of the present year, or rather during the first quarter, 7,000 persons were evicted without being reinstated as caretakers, and during the second quarter that number increased to 11,000. In the month of May alone 1,198 persons were evicted in one riding in the County Galway, and the evictions became so alarming, that they drew forth a protest and remonstrance from the official reticence of the Chief Secretary. Again, we are not exaggerating in stating the number of evicted persons this year as 50,000 more. That is, 100,000 of her population have been lost to Ireland this year. That means the "million a decade," which, in 1848, drew forth an

indignant and despairing threnody from the pen of Speranza. One million lost to Ireland every ten years! What will the Irish Church be in the dawn of the 20th century?

But these figures are vague. Let us apply them. The departure of 100,000 people in twelve months, means the destruction of thirty Irish parishes—it means the annihilation of an Irish diocese! If the city of Cork, with its bright intelligent population, its wonderful charitable and educational institutions, its wealth and its public buildings, were suddenly engulfed by an earthquake, or swept to destruction by a tornado, Ireland would mourn the loss for years. Yet she suffers an equivalent loss year by year, and remains apparently unconscious of it. If twenty-five towns of the size and population of Youghal or Tipperary, or Kilkenny, were suddenly destroyed, with their inhabitants, Ireland and the world would be appalled. Yet, so far as our country and Church are concerned, we are actually suffering this pictured calamity. The student of Irish history reads with horror the attempted extermination of the Irish people by Cromwell. Eviction and emigration are doing more than Cromwellian work in our day. Such, briefly, is the extent of the depopulation that is going on at present. Now, what is its character? There is a marked difference between the emigration of 1850 and succeeding years, and the emigration of 1882. During the former period, Queenstown was thronged with a multitude of pale, panic-stricken people, flying from that awful vision of plague and famine that had haunted them night and day for three years. They made no account of the wretched vessels that were to bear them on a tedious and perilous voyage across the Atlantic. They did not reckon their chances of reaching the shores of America alive, in those dreadful hulks, justly designated “coffin-ships.” They felt as if escaping from a prison of death; and yet it was with tearful eyes and heavy hearts they turned from the dark masses that lined the quays, to the dark chambers and the dismal daily duties of an emigrant ship. For their future was very uncertain. They did not know what awaited them in the strange land beyond the waters. And the crowds of friends on shore shared their apprehensions and their fears. “Shall we ever see them again?” was the question that passed from lip to lip, as they looked and strained their eyes after the vessel, until she turned to the west, and passed from their sight beyond the headland. Then arose, day after day, in the ears of the tortured

inhabitants those awful cries and lamentations, that even to this day are a troubled memory to our people.

Continuo auditæ voces, vagitus et ingens,
Infantumque animæ flentes, in limine primo.

All this is now changed. Instead of "coffin-ships" we have now the floating palaces, where even an emigrant must be treated with humanity. Instead of a long and doubtful voyage of three months, we have a quick, short passage of seven or ten days. Instead of the shadowy country, half colonised and half civilised, there is the mighty empire with its fairy cities, its broad fertile prairies, its warm welcome to outcast humanity, and where frugality and industry are certain to lead to wealth and opulence. And, therefore, instead of the poor half-starved, emaciated emigrants of thirty years ago, the pinched and pale-faced women, the tiny weaklings, the grey and stooping veterans, we find passing through this port in the spring and summer time the very pick and choice of the land—fair women, and "stalwart, muscular, dauntless young braves," to borrow the words of an American writer, "brimful of push and energy, and royally endowed with every attribute that goes to make up a peerless and magnificent manhood." No longer labourers, with their wives and children, who, after many years and much labour, have put together the few pounds that will pay their passage; but the strong, intelligent artisans of our towns, and farmers' sons, who prefer the bustle and life of an American city to the monotony of country life at home: and farmers' daughters who sacrifice their dowries, and a certain prospect of marriage, for the pleasure of serving in a business house in New York, or even going into situation as housemaids in American families. And hence, too, there is no longer the sad weeping and melancholy farewell, but buoyancy, and cheerfulness, and hope. Nay, even, they do not carry with them, like the emigrant of 1850, one single reminder of their nationality, not a shamrock nor a ribbon, as if they were casting off all allegiance to the mother land. And the crowds on shore look with envy at the fortunate friends who are escaping. They no longer shout an everlasting farewell, but a ringing cheer, which is strengthened by the hope that when the letter and passage-money arrive, they, too, will be able to leave this land of bondage, and follow their friends to the promised land in the wake of the setting sun.

And this exodus threatens to become recurrent, until either the country becomes quite exhausted, and reduced to the 800,000 who survived the Cromwellian extermination, or something is done to counteract the attractions of foreign countries by giving our people a means of securing a decent maintenance at home. America must become the ultimate destination of our race, and this in an incredibly short space of time, unless something is promptly done to equalise the conditions of life in the two countries. The wonderful advantages it offers to the young, who are intelligent and enterprising, will increase as fresh contingents add to its population, its wealth, its activity. Fresh fields of enterprise are being daily opened up in the Western States, whose mineral and agricultural resources cannot be even conjectured; and when the pioneers of the coming race shall have surmounted the stubborn obstacles which untamed Nature always presents to her conquerors, a prospect of infinite prosperity will open up to the future and fortunate possessors.

Whilst America is beckoning and leading, friends at home are pushing and driving the Irish peasant in the same direction. The provisions of the Bill that has just received the Royal sanction are well known; it may not be so well known that private enterprise had anticipated the Bill, and was carrying into effect the object of the Bill, whilst it was being debated in the Commons. The Committee, of which the Duke of Bedford is president, and Mr. Tuke, the active voluntary agent, have published their report, from which we take the following extracts:—

1. "The committee claim that upon the whole the results of their work have been successful. They have done the work cheaply and thoroughly, having emigrated some 1,200 persons, chiefly in families, at a cost of a little over £6 a head."

2. "Taking into account the distressing poverty of the people in the special districts named, and their proved desire to emigrate, the committee are convinced that a vast amount of work in the way of emigration still remains to be done."

3. "A systematic emigration judiciously assisted seems to be the only hope for the population, the best chance alike for those who go and those who remain."

4. "The population of these districts is so large, the holdings are so small, and the soil generally so poor, that even if the tenants had no rents to pay they would for the most part be unable to maintain themselves even in good seasons."

5. "The subscriptions to the fund already paid in or promised

amount to £9,613, including £1,000 each from the Duke of Bedford and the Duke of Devonshire, and £500 each for two years from Mr. Wm. Rathbone, M P., and Mr. Forster, M.P."

We cannot throw a doubt on the philanthropy of Mr. Tuke. He belongs to a family which has always taken a deep interest in Ireland. Nor shall we say a word of the propriety of scattering the population of Connemara on the deserted plains of Meath, instead of banishing them to Manitoba. Nor yet shall we deny that the members of the above-named committee are "all honourable men." We are simply quoting facts and figures to prove the extent and character of emigration. We are neither criticising motives, nor imputing intentions. Mr. Tuke's scheme is but one of the many that are working towards the same end. He is the type of the practical worker. The best example of the doctrinaire and dreamer is, we suppose, Lady Wilde. Her opinion of the present is:—

"The vital force of our people is wasted year by year in the bitter strife with other men as destitute as themselves, for an acre of land, more or less, some wild tract of dreary bog, or a few stacks of turf on some desolate moor, while all the time a new world is waiting to be occupied, where everything they had dreamed of vainly, and worked for sadly, from their youth up, can be realised and enforced."

Her vision of the future is:—

"What can be more bright or gorgeous, or better suited to the Irish nature than the golden vales and emerald plains of their fair country, covered with flocks and herds, or the silver salmon leaping in the nets under the shadow of the purple mountains of the West, where the fiords of the Atlantic bite deep into the land, and the rushing streamlets murmur a divine music through the chains of the hills? Such a landscape never should be desecrated by the tall chimneys of the factory prison, nor by the smoke of furnaces rising up to obscure heaven."

No! and, therefore, Lady Wilde would reduce the population of Ireland to 2,000,000, and make it a pleasure-ground for æsthetic Britons, for whom there should be "good roads, good country hotels, pleasure-boats on the lakes, branch railroads for safe and rapid transit, with a line of passenger steamers to Southern Europe." The accomplishment of this day-dream requires the expatriation of the Celtic population, and for this purpose Lady Wilde would grant a colossal State subsidy. And this was the "Speranza" of '48. How are the mighty fallen!

Now, while Government officials and private speculators, while politicians and philanthropists, committees and companies, by threats, promises, subsidies in money, and gilded prophecies, are vying with each other in effecting the depopulation of Ireland, what are we doing? Even some American bishops are seeking to establish and extend new dioceses in Minnesota and elsewhere by the aid of Irish colonists, and we see all this going on without a murmur. Are we fatalists, believing in the inevitable destruction of our race? Do we suppose that the traditions of Ireland and Ireland's faith are coming to an abrupt and inglorious termination? Or are we merely apathetic, leaving all things to chance, in the good old Irish way? If so, we shall be rudely awakened. For if wise men foresee the future rightly, the emigration from Ireland next spring and summer will be unprecedented in Irish history. Even now in the dull autumn season, hundreds are passing through Queenstown. In the spring-time of next year the emigrants will be numbered by tens of thousands!

If this state of things continue, in less than ten years, the ancient ecclesiastical divisions of Ireland will be obliterated, and parishes amalgamated with parishes. The young Irish priests of the year 1900 will have the novel experience of going fifty or sixty miles to a sick call by rail: and the few who will be left to celebrate the centenary of Catholic Emancipation, will make it the event of the day, like Cromwell's soldiers, to see smoke issuing from the hut of a Catholic peasant, and will have the gratification of hearing those splendid churches that we are building with Irish money and Irish hands echoing with the "grand old Puritan anthem," sung by the Scotch planters and English yeomen who are coming to take the place of the "Irishrie."

But it has been said again and again: "Is not this our destiny? Do we not see that we are the 'chosen people, the kingly nation, the missionaries of the world?' That we are not tempted with earthly wealth, but royally endowed with all spiritual affluence; and that as the priest on Holy Saturday breathes on the consecrated water, and scatters the saving element to the four points of heaven, so God's spirit breathes on our people, and scatters them, and with them the gift of saving faith amongst the less favoured nations of the earth?" We will not retort by asking our questioners what they have done for the Faith. For whatever be the motives of those who habitually vilify our people, but grant them at least this high prerogative,

we are certain that this is our destiny, and that we must accomplish it. We should be impious to disclaim it: we are proud to admit it. We see the miracle of Christian Rome under the Pagan Cæsars repeated in our day. A little band of neophytes, persecuted and despised, carried the Cross under the very shadow of the eagle to victory, and saw territory after territory, and race after race, conquered by the sword, pass under the peaceful sway of the crozier. Another empire has arisen in our day, rivalling and even surpassing that of Pagan Rome in material and intellectual wealth, and another race has been the victim of oppressions that surpass the cruelties of Nero and Diocletian. Yet, wherever the mightier race has gone, the weaker race has followed, and established a spiritual empire, conterminous with that political empire, on which it is boasted the sun never sets. Nay more. We claim for Ireland the proud distinction of being the right arm of the Church in the present age. France, once so distinguished, is paralysed by the Red Terror, and has to devote all her energies to saving the faith of her people. Spain, cradle of Doctors and Saints, is lethargic and indifferent. Italy, centre of Catholicity, is disturbed by revolution. Ireland alone still sends throb after throb of energy and vitality through the Catholic world. Remove the Irish element from England, and what would the Church in England be? Take away the Irish operatives in the factories of Lancashire and York, the Irish dock labourers in Liverpool and Birkenhead, the Irish miners in Wales, and the half million Irish in London, and where would be the flourishing dioceses of Beverley and Leeds, Liverpool, Shrewsbury, and Westminster? Take the Irish element from America, and that empire-Church would consist of a few straggling dioceses, colonised by Germans and native converts. Is it not admitted by all who can look below the surface, that the Catholic Church in America would not maintain for a quarter of a century its purity of faith, its fidelity to the Holy See, its energy in withstanding the violent assaults of free-thought and atheism, its zeal for the glory of God, and the triumphs of Holy Church, were it not for that continuous stream of Irish immigration, which vitalizes a population that has the natural tendency to become torpid through excessive prosperity? Who founded, and still maintain, the Catholic Church in Australia, Tasmania, New Zealand? The Irish exiles, and their descendants, who, whatever their faults may be (and we are not disposed to deny or excuse them)

must still be allowed the singular credit of having adhered with unwavering fidelity to those great principles, enunciated by our Blessed Saviour, embodied in the teaching of the Apostles, developed by the Church, and interpreted by the lives and examples of the saints. Well might the great French preacher, Montsabré, apply to Ireland the words of the Psalmist :—

“ ‘ The strangers have upon their lips the language of vanity, and their deeds are full of iniquity. Yet their sons spring up among them like fresh plants ; their daughters are dressed out like idols ; their barns are so full that they send to each other their abundance. Their oxen are sleek and fat ; their walls are strong, and defy the night-prowler ; no complaint or murmur is heard within their walls ; and it is said—Happy the people who possess all these riches.’ Well no, brethren ; happy rather are the people who have the Lord for God : *Beatus populus cujus Dominus Deus ejus.*”

This lofty destiny, of course, involves a mighty sacrifice—a sacrifice on the part of the people, and a sacrifice on the part of the priests. On the part of the people it involves the abandonment of home, and the rude severance of all those sacred ties that are formed in infancy and strengthened in manhood. It involves a change from the quiet holy life of the Irish mountain and valley, to the tumult and the bustle, the ambition and the sin of mighty cities. It involves that ordeal of “white slavery,” through which most of our countrymen have to pass, before they reach independence—it involves the hatred and contempt that are liberally poured on our people by those who, trained in the Neo-Paganism of our century, have neither intelligence to understand Irish faith, nor grace to appreciate Irish virtue, nor charity to excuse our failings, nor humanity to sympathise with our sufferings. It involves the inevitable spiritual destruction of thousands, who would live and die in sanctity at home. It involves the melancholy belief that many of the children of Irish exiles forget their country and their faith—that many of the second or third generations, while bearing Irish names, are the enemies of the Irish race and religion.¹ And for us priests, is it no sacrifice to see our parishes depopulated, our churches deserted, and the flower of our youth passing

¹ It is generally understood that the Irish population in America, by birth and by descent, ought to be *at least* 20,000,000. Yet the number of professing Catholics in America varies from 7 to 10,000,000, and a great many of these are Germans.

away from us for ever? Is it not a trial for us to see the fields lying waste, and the houses unroofed, where many a pious Catholic family was worshipping its God in all humility and patience? To see the children whom we educated from their earliest years, and whom we are handing over to strange pastors as pure as we raised them from the font of regeneration, transferring their virtues and their faith to illustrate other lands, and edify an alien nation? It is a sacrifice, but necessary. The Apostles would never have evangelised the world had they yielded to the passionate love of their race, for their city and temple. Europe would not have been converted so rapidly were it not for the Irish doctors, who carried the lamp of learning and sanctity through its cities and kingdoms. Ireland itself would not possess the priceless gift of faith, had its great Apostle put the claims of his country before the wants of the people who cried to him in his dreams. It is a sacrifice, but also a glory, not that we care for glory—

“No lovers of glory we;
Give us the glory of going on, and for ever to be.”

Ah! there it is. Keep the fountain running, and you may scatter its waters where you please. Keep the vestal fire of Irish faith and Irish purity burning, and let the nations come and take with them whatever they need to enkindle similar sacred fires in their own lands. Secure for us the simple certainty that the population of Ireland will not fall below its just and normal standard, and we engage to make saints and scholars for the Universe again. This we ask for the sake of the Irish Church, which cannot survive the extermination of the people; and for the sake of the Universal Church, whose faithful son Ireland has ever been.

Little though the demand be, however, it will take all the energy and activity that we can put forward to enforce it; but surely we ought to be as anxious to preserve our dioceses as foreign bishops are to create theirs. For this purpose, emigration should be strongly discountenanced in all those provinces, dioceses, and parishes, where the irremediable poverty of the people does not make it absolutely necessary. It is certain, and that certainty is confirmed by every bishop and priest to whom we have spoken on the subject here, that nowhere can our people live so wisely or so happily as at home, and that so long as an Irishman can obtain a decent maintenance in Ireland, he should not attempt to emigrate.

Again, let us not expect prosperity for our people so long as they are dependent on the agricultural resources of the country. Employment must be created for the surplus population of town and country by the establishment and development of local industries. The "whirr of the wheel, the gliding of shuttles, the ringing of steel," must be the Resurrection March of our people. In that very department over which we have immediate control, ecclesiastical art and architecture, it is in our power to help and even create fresh industries, and possibly revive that handicraft in which one visit to the Royal Irish Academy will prove the ancient Irish to have been proficient. A glance over a single church will show the mighty power we possess, even without travelling outside the sanctuary. Stonework and sculpture, iron and brass fittings for altar-rails, castings, pedestals, brackets, and altar-furniture; stained glass for windows; oak-carving for pulpits, sedilia, thrones and stalls; gold and silver and jewel work for the sacred vessels; embroidery and embossing with gold and silver, lace-making, &c., for vestments; organ-building, bell-founding, &c., &c.: these are but a tithe of the industries we can foster and protect, if we once learn the useful lesson of keeping our money at home, and not being too solicitous for the welfare of the artificers of Paris and Lyons, Munich and Manchester.

We commenced this paper with something like a dirge. We desire to close it more hopefully. It is highly probable that at last we are moving forward—that the patience and prayers of ages are about to be rewarded. As the poet persuades himself in all his doubts and misgivings, that "somehow good will be the final goal of ill," we, too, persuade ourselves that under the hands of a benign Providence, a mission of usefulness, and yet of happiness, is before us. Through the long period of their captivity, the Jewish exiles were cheered by the prophecies and promises that had been made them. They believed in the infallibility of the former; they trusted in the inviolability of the latter. Again and again have our priests and bards compared the Irish race to the chosen people, in their selection by Providence, in their trials, their captivities, their hopes. Perhaps it would not be quite out of place if we repeat and apply to our own beloved nation a promise, replete with joy, with hope, and with triumph:—

"‘I will close thy scar, and will heal thee of thy wounds,’ said the Lord. ‘Because they have called thee, O Sion, an out-

cast ; this is she that hath none to seek her. Behold, I will bring back the captivity of the pavilion of Jacob ; and out of them shall come forth praise, and the voice of them that play ; and I will multiply them, and they shall not be made few ; and I will glorify them, and they shall not be lessened. And their assembly shall be permanent before Me, and their leader shall be of themselves ; and their prince shall come forth from the midst of them.'

"The Lord will not turn away, until He shall have executed and performed the thought of His heart. In the latter days ye shall understand these things." (*Ezech. xxx.*)

P. A. SHEEHAN.

THEOLOGICAL QUESTIONS.

ON THE TELEPHONE IN RELATION TO THE SACRAMENT OF PENANCE.—AN INQUIRY.

What according to the principles of theology is to be thought of the validity of sacramental absolution given through the Telephone, and of its lawfulness at least, *sub conditione*, in a case of necessity ?

The very idea of the Telephone as a medium for the Sacrament of Penance is one so entirely new, that in vain should we seek for any direct light to be thrown on the above question by theological writers. Modern experimental science has, indeed, in many respects so completely changed the formerly recognised aspect and conditions of physical phenomena ; and has shown that to be now practical which would once have seemed naturally impossible, that often it is very difficult to apply even the general principles of moral theology, and to adapt the dicta and terminology of its authors, to a question such as this.

Perhaps the best, and indeed the only way to arrive at any satisfactory solution of the matter, is to put together what is laid down in theology to be essential to the Sacrament, so far as this may bear on our subject, and then to consider whether or not it is compatible with the conditions of the telephone.

To this end I will first briefly notice a seemingly cognate question once mooted by theologians, and the authoritative decision given thereupon : and then recal some of those

truths and principles of theology which appear most relevant to our enquiry. I shall afterwards compare these with the conditions of the Telephone in relation to the Sacrament of Penance.

I. Certain grave authors formerly maintained that absolution could be given validly, and for a just cause licitly to a penitent at a distance, whether by letter, or through a messenger, or simply by the priest himself orally pronouncing the form of absolution in favour of the absent penitent.

Their ground for holding this opinion was that, according to the Council of Trent, the Sacrament of Penance by divine institution is administered after the mode of a judicial process, and that the nature of such an act does not necessarily require for his trial and sentence the personal presence of the accused—as is evident in the case of excommunication.

They argued, moreover, that the absence of the penitent would not of itself hinder the verification of the form of absolution, viz. *Absolvo te*: inasmuch as an equivalent form, v.g. *Absolvo Petrum*, or: *hunc hominem*, or: *Excellentiam tuam*, or even: *absolvetur Petrus* (in the imperative mood), is held by theologians to be valid; and that such an equivalent form does not necessarily indicate the presence of the person absolved.

This opinion is now, however, utterly untenable, since it is quite certain, from the declaration of the Apostolic See, that sacramental absolution can never be given either licitly or validly *inter absentes*: so that the Sacrament of Penance conferred on an absent penitent is always invalid, irrespectively as to whether the confession itself was made in the absence, or in the presence of the priest.

“CONDEMNATIO S. D. N. CLEMENTIS VIII. A.D. 1602.

19 Julii.

‘Re mature ac diligenter considerata, hanc propositionem, scil. licere per litteras, seu internuntium confessario absenti sacramentaliter confiteri et ab eodem absente absolutionem obtinere, ad minus uti falsam, temerariam, et scandalosam damnavit ac prohibuit, præcepitque ne deinceps ista propositio publicis privatisve lectionibus, concionibus et congressibus doceatur, neve unquam tanquam aliquo casu probabilis defendatur, imprimatur, aut ad praxim quovis modo deducatur;’ et adjunxit excommunicationem ipso facto incurrendam et sibi reservatam contra violentes hoc decretum præter alias pœnas a iudicibus injungendas.”¹

¹ Suarez, De Pœnitentia. Disp. xix. sect. iii. 10-13.

That such absolution, scil. *inter simpliciter absentes*, can never be valid, is clear from the fact of the Pontiff's prohibiting it as unlawful in any case whatever : for were it ever in any case valid, divine and natural law would be opposed to so universal a prohibition, and would sanction such absolution as licit in a case of extreme necessity.

Its invalidity may be inferred also from the words of the Council of Trent: "*ante hoc tribunale tanquam reos sisti voluit (Christus), ut per sacerdotum sententiam ab admissis peccatis possent liberari.*" (Sess. 14, cap. 2). Whereby, according to theologians, the Council signifies that the penitent is to appear in person, that by a formal sentence from the lips of the priest he may receive absolution—for this they say is the sense of the word : *sisti*.

Another proof is drawn from the nature of the essential form of absolution, *Absolvo te*—words which must be pronounced orally by the priest, and be directed to some definite person designated by the personal pronoun, *Te*, and which, according to the common use of speech addressed by one individual to another necessarily require the mutual presence of the two parties.

Once more: since the Sacrament of Penance is by its institution a judicial act, the confessor, before giving absolution, needs to have an adequate knowledge of the penitent's moral state and dispositions; and this he cannot satisfactorily obtain in the absence of the penitent, who himself alone holds the part of accuser, witness, and culprit, as well as in a certain sense of advocate in the case. Besides, after a confession previously made in the presence of the priest, or transmitted to him by letter, the penitent may have meantime changed in his moral dispositions, or may have committed some fresh sins, so that the priest could not be sure that he had that knowledge of the penitent's conscience which is necessary for *hic et nunc* pronouncing the sentence of absolution.

Before concluding this first point of our discussion, it may be well to note :

1. That though the ordinary mode of the penitent's accusation is oral confession, yet, as other ways are valid, and for a just cause licit, the Sacrament would be valid, should the penitent manifest his sins by letter to the confessor, and afterwards in the presence of the latter intimate that he accused himself of what was contained in the letter, and then receive from him absolution.¹

¹ S. Alph. Mor. 429, 493. Gury, 467. 6°

2. With regard to what was said above about equivalent forms of absolution, these could be valid only so far as they imply the personal presence of the penitent: in the same way as the Greek form for Baptism: "Baptizetur servus Christi," is understood to mean: "*Hic servus Christi baptizetur.*"¹

II. I would now recal some principles and truths of theology concerning the Sacrament of Penance, which seem more particularly to bear on our subject.

1. The Form of absolution cannot be validly expressed otherwise than orally: since absolution consists essentially in formal words uttered vocally by the priest (*modo indicativo*); and they must be spoken under such circumstances, that according to human judgment they would be considered addressed to the penitent, who consequently must be present.² It is certain that if the words: *Absolve te* could not be held in any way thus to fall upon the penitent, he would not be validly absolved, being in no sense present, but simply absent.

2. The presence necessary and sufficient for valid absolution is then not a physical but a *moral* presence, which has to be determined by the nature and end of the form of absolution, since it is for its due and efficacious utterance that such presence is required at all. Suarez says: "*Illa ergo præsentia (vel propinquitas inter pœnitentem et confessorem) quæ sufficit ad sensibilem designationem et locutionem cum alio, ad hujusmodi formam valide et efficaciter conferendam satis erit; nam cum ratio hujus præsentiæ præcipue fundetur in forma, ex illa etiam colligendus est modus ejus.*"³

3. Authors say that, as a general rule, the confessor and penitent should be able to hear one another speaking, at least with a loud voice—hence they propose certain distances, 20 paces, etc.—and that in a case of necessity a priest can and ought to absolve a penitent who is perceptible by any one of the senses, *v.g.* should he be within sight, or even when, though not distinctly recognisable, he is known for certain to be amongst a number of people not far off⁴. They teach, moreover, that in a case of urgent necessity, should any one be visible at some con-

¹ Conf. Mastrii Disputationes Theolog. Lib. IV. Disp. V. 349. 359—62.

² S. Alph. Mor. Lib. VI., 428.

³ Suarez, loco supra citato.

⁴ Gury de Sacr. Pœn. n. 429.

siderable distance, he is to be absolved, at any rate *sub conditione*; for instance, one who may be seen falling from a roof, perishing in a conflagration, or drowning in the sea. And, as a rule, when moral presence is doubtful on account of the distance, absolution in a case of necessity is to be given *sub conditione*.

4. Theologians concur in teaching that (*servatis servandis*) conditional absolution may and ought to be given in doubt of its validity to one who by its denial would be exposed to the danger of grievous spiritual loss. Hence amongst other cases is that of doubt whether the penitent be morally present or not.¹

5. Absolution may be given with one single form: *Absolvo vos*, to a whole multitude of people, at one and the same time, in a case of necessity, and when their confessions cannot be heard, *v.g.* to a number of dying persons; in a shipwreck, or fire; to soldiers on the eve of battle, etc.² We may well conceive that many thus absolved on such occasions would be at some considerable distance from the priest, beyond the reach of hearing and out of sight, or only collectively and indistinctly recognisable by him.

6. We should note that whilst a mutual moral presence is required on the part of priest and penitent for the validity of the sacrament, it is not required *equally, and in the same way for both*. A greater moral presence is necessary for the priest than for the penitent; since the form for absolution which the priest must use, together with the necessary conditions for its valid and efficacious expression, has been determined by Christ Himself, and these require the priest's presence; whereas the mode necessary for the penitent's confession has not been thus defined at all; and though ordinarily it should be oral, yet for just cause it may be otherwise: all that is essential being that the penitent make known the state of his conscience as best he may be able. Hence it is, that in case of necessity a person may receive absolution, though wholly unconscious of any presence of the priest, should the latter perceive some sign of contrition and desire of the Sacrament on the part of the former, or be able to reasonably presume the existence of such dispositions, even though there be no perceptible sign. But, on the other hand, in no case can the priest validly absolve, unless he

¹ Gury, n. 435.

² Gury, 428, Qu. 4.

has some sensible perception of the penitent, that is, without moral presence. "Hoc judicium," says Suarez,¹ "primo et per se institutum est a Christo Domino ex parte judicis, dando illi potestatem ad remittenda peccata, unde ex parte illius etiam designavit modum et signum, quo uti debet ad remittenda peccata, et pari etiam modo determinavit conditionem necessariam ex parte ipsius judicis ad talem causam definiendam, quæ quidem est præsentia ejus . . . Ex parte pœnitentis non est omnino definitus modus aut signum ad confessionem necessarium, sed solum ut suam conscientiam aperiat integre, prout moraliter poterit. Ac proinde major determinatio requiritur ex parte formæ, et consequenter major præsentia ex parte sacerdotis absolventis, seu examinantis causam, quam ex parte pœnitentis."

III. We have now to consider the question of the Telephone, and whether or not its use in the Sacrament of Penance is compatible with the foregoing theological principles.

But it may serve, perhaps, to put the matter in a clearer light, if I first propose a few practical cases in point.

The London correspondent of the *Freeman's Journal*, October 10th, 1877, writes as follows: "I am informed that experiments with the Telephone have now been carried to such an extent that *viva voce* communication has been successfully effected through wire representing 5,000 miles. Negotiations have already been opened with the inventor with a view to introducing the Telephone into cable companies having offices in London, Paris and Madrid." Assuming the correctness of this information, I suppose that a Telephone cable has now been laid down between London and the Falkland Islands.

Case 1. Gregory, the only priest in the Falkland Islands, distant more than 1,000 miles from the nearest confessor, has been seized with a mortal sickness, and is expecting his death within a week or fortnight. He communicates with Peter, a priest in London, and makes to him *viva voce* through the Telephone a general confession, and receives from him by the same means absolution.

Q. Is such absolution valid? or probably valid, so that it may be licitly given, at least *sub conditione*, under the circumstances?

Case 2. Paris is once more in the hands of the Communists. Priests and good Catholics are imprisoned and

¹ Loco supra citato.

in danger of massacre. Francis, a priest in his prison cell, has access to a Telephone, which communicates with a distant part of the jail, or with some other building in the city, where is confined another priest Dominic: they confess one to another and receive absolution.

Q. Are these valid sacraments?

Case 3. The Catholic Poles, through fresh religious persecution, have risen in arms against Russia. Their army of 20,000 men is drawn up in regiments at certain intervals on the field of battle, and an engagement is imminent. Stanislaus is the only priest surviving in the neighbourhood. It has been arranged that at a preconcerted signal (the firing of a cannon) all the soldiers are together to kneel down and make publicly an act of contrition with the view of receiving sacramental absolution. Stanislaus at this moment, standing on an eminence, absolves them by the single form, viz. "Ego absolvo vos, etc."

Q. Do all those who are duly disposed receive valid absolution?

Case 4. In the Afghan War, during an engagement, the Catholic chaplain sees from a hill, through a powerful field-glass, some soldiers of an exclusively Catholic regiment in a valley at a considerable distance off, to all appearance mortally wounded, and raising their hands to heaven in an attitude of prayer and contrition. He gives them absolution.

Q. Is the absolution valid, supposing those soldiers have due dispositions?

It is not my intention to offer any resolution of the above cases, which I have proposed only by way of illustration. But I will proceed at once to inquire whether the conditions of the Telephone are compatible or not with what we have seen is essential to the Sacrament.

And first as regards the *materia proxima*. One of the chief arguments Suarez uses to prove the invalidity of absolution of a penitent at a distance through letter or a messenger is, that in such case the priest could not have that knowledge of the penitent's conscience, which is necessary for him as judge before pronouncing the sentence, and that thus there would be a defect in the *materia proxima* of the Sacrament. This objection cannot hold with regard to the Telephone. No difficulty has place here on this score. So far as concerns the manifestation of sins with expression of sorrow up to the time for absolution, the priest and penitent are as morally present to one

another, and can hold as close mutual communication, as though they were physically present together in the same room.

With regard to the *Form* greater difficulties may appear to lie in the way, and all may not be so clear and easy. The *Form* being of divine institution not only in itself, but also as to the nature of the medium and mode of its expression, the conditions of these have to be determined with greater strictness and precision; and no room should be left, if possible, for any uncertainty.

What, however, theology lays down as essential on this point is concise and simple.

For valid absolution the priest must pronounce the words of the form orally, and under such circumstances that, according to human estimation, the words are considered to fall upon the penitent, designated and addressed in the second person, *Te*. It is of the nature of human speech that the penitent thus addressed should be morally present to the speaker. Or, to put it in another way, whenever the words of absolution *do* actually thus fall on the penitent, then he is in fact morally present, and the absolution is valid.

Now, can one doubt that anyone's words to another spoken through the Telephone do according to common human estimation really fall upon and come home to the person to whom they are addressed? Suppose, for example, that a superior should give an order *viva voce* through the Telephone to his subject; the superior's words would certainly be held to fall upon the subject, to affect him as individually and directly, and as much to determine his conduct, as though the order were spoken close at hand. No one would deny that we can in a real and true sense speak to another *viva voce* in the second person through the Telephone immediately and directly, and that thus he would understand us as speaking to him, and answer us accordingly. And what is all this but a description of that moral presence required by theologians as essential and sufficient for valid absolution, and for the full efficiency of the sacrament?

If it be objected that the human voice comes through the telephone, not in a natural, but in an artificial and mechanical way; such an objection has of course no force against the *materia proxima*, which can be validly expressed in other ways than by the voice. And so far as the penitent is concerned, the objection does not affect him, since for his being validly absolved, he need not be conscious of

the priest's presence at all by any sense; all that is essential being that his due dispositions for absolution should be manifested, or reasonably presumed, even though not apparent.

As regards the priest, we have seen that he can absolve a penitent whom he perceives by some one sense. But this certainly does not mean that he must necessarily be able to perceive the penitent simply by his own unaided natural powers. Were, for example, a deaf priest in one room, and the penitent in another adjoining, and by means of a long speaking tube, the priest were enabled to hear the penitent's voice, no one would doubt that the priest could validly absolve. Here a moral presence is effected, and by what may be termed artificial and mechanical means.

The principle is the same in the case of the Telephone: there is moral presence through the sense of hearing one another's voice, and this is that sense which of all others is the most important for the end and purpose of the sacrament.

To further illustrate this point, take another sense, viz. that of *sight*. Theologians say that in an urgent necessity absolution may be given, at least *sub conditione*, to one who is visible at some considerable distance. Suppose, for instance, a very short-sighted priest is told there is a Catholic man seen off the coast drowning in the sea. The priest cannot see so far at all with his naked eye, but putting on his spectacles, he distinctly sees the drowning man, and absolves him. In this case if the *materia proxima* be there, the absolution would be valid, or probably so, and licitly given too, under the circumstances; and with the use of artificial means.

To return to the Telephone. Should it be granted that through the sense of hearing there is a moral presence of the priest and penitent, together with the *materia proxima* of the sacrament; if the priest *hic et nunc* pronounces the form of absolution, what is to hinder its validity? He utters the words orally over a penitent morally present, and the union of the Form with the *materia proxima* makes a valid sacrament. For my own part, I cannot detect any flaw, or discover any theological principle that would stand in the way.

But I leave a more definite answer for those who are better qualified to form a decision.

If the question were here asked: Must the priest pronounce the form of absolution through the medium of the Telephone, or could he do so validly, independently of that medium? I should incline to answer, that the words of

absolution must be spoken through the Telephone. For though, on the one hand, it is true that the penitent need not hear the words, nor the priest utter them in an audible voice, yet since, on the other hand, the Telephone is the only means whereby the moral presence is communicated and maintained; by the interruption of that medium, the moral presence would cease, and the words of the form would fail to be verified, and not falling actually on the penitent, the absolution would thus be invalid.

POST-SCRIPTUM.—Should any one be inclined to extend the foregoing speculation¹ on the telephone to the electric telegraph, and seek to maintain that sacramental confession and absolution could have valid effect through the latter medium also, such a thesis would not in my opinion fall under the prohibition and condemnation of Clement VIII.; but, at the same time, I should hold that it had no grounds of probability, and was utterly untenable according to received principles of theology.

In alluding here to the Telegraph, I suppose, of course, the case of priest and penitent holding mutual communication together directly by wire, and each working himself at either end the telegraphic apparatus. The difference between such mode of communication, and that by letter or messenger condemned by the Pontiff, is obvious. Communication by means of the electric wire is morally instantaneous and simultaneous on either side, so that more than one grave objection to the former mode would not hold good against this. And so far the telegraph resembles the telephone. But, on the other hand, that which goes to form the main strength of the argument for the telephone is wanting in the case of the telegraph. There is in telegraphic communication no sort of mutual moral presence through the perception of any one of the senses. Intercommunication is carried on from a distance, without any moral presence, *inter simpliciter absentes*—conditions which, according to the principles of theology, are wholly incompatible with what is essential for securing the validity of the Sacrament of Penance. C.

¹It is perhaps unnecessary for me to remark that the present article is put forth, not as any resolution of a practical moral case, but simply as a speculative inquiry. A practical decision on a modern question so important as this, would require the sanction of competent authority.

II.—SPONSALIA.

REV. AND DEAR SIR.—Some months ago the RECORD entertained its readers, in several consecutive numbers, with a correspondence you carried on with some friend on the subject of “sanatio in radice.” The correspondence was highly interesting, not only on account of the very important subject treated of, but also on account of the edifying deference you and your correspondent showed throughout in maintaining your respective views, though so diametrically opposed to each other.

The Sacrament of Matrimony presents a multitude of most important questions, and it is only when a priest is at work in the exercise of his sacred ministry that he finds the necessity of having correct and clear ideas respecting them.

Some time ago, a clerical friend of mine told me of the following case, which had been related to him by the priest concerned:—

One fine morning a young woman came to him, and said: “Your Reverence, I hear you are going to marry my sister and such a young man” (naming him.)

“Yes,” replied the priest, “and have you anything to say about it?”

“I have everything to say about it,” resumed the young woman. “That boy is pledged to me these many months past—he has sworn two book-oaths to me, and given me three hands-and-words that he would marry me, and this is how he is going to treat me after all.”

With great presence of mind, the priest asked her: “And would you have a man that would be capable of breaking his oath and promise in that way?”

Calming down, she replied by asking: “What would your Reverence advise me to do then?”

“Oh, I have no hesitation in telling you not only to have nothing to do with him, but to thank God that you are not to be his wife.”

“In the name of God, your Reverence, I will follow your advice, and I don’t grudge him to my sister, except, poor girl. I am afraid she will have a sad life with him. But she will have to blame herself for going between me and a person who had engaged himself to me in such a way.”

My friend, on hearing the case out, inquired:

“And what about the espousals in the case?”

“Really, I never thought of them,” was the reply. But, reflecting for a moment or two, he said:

“It seems to me that the case, now that I reflect on it, was one of simple promise, and that, when she remitted the promise, the course was clear.”

“Take care,” resumed the other; “I would, for my part, have hesitated in the case. It is often difficult to distinguish between

espousals and mere promises with these simple people, who express themselves so clumsily, and whose meaning is to be gathered not unfrequently from acts and deeds, to which a certain acceptation amongst themselves gives often a more definite meaning than what they say on such occasions."

Here we have the question of espousals brought on the *tapis*, to distinguish between them and mere promises of marriage. The distinction is often very puzzling in practice, and it seems to me, if I could take the liberty of making such a suggestion, that you would do good service to our working clergy, whose labours in the ministry leave them so little time for study, if you would, in your zeal for the interests of religion, clear up the following points:—

1. What is a promise of marriage, and what are espousals, and in what do they differ one from the other?

2. Being both matrimonial impediments, in what way, and to what extent, do their respective effects reach as such?

3. Can the parties engaged, either by espousals or promise, remit to each other such espousals or promise?

4. In case of such remission, do any effects yet remain to bar a future marriage, and what are these effects?

5. If one of the parties die, what then, in either case of espousals or promise?

6. What would be a *strict technical form* of espousals to be realised, at least *substantially*, in what takes place between parties intending marriage, so as to form a practical rule of guidance for a priest in the public ministry, who has so often to distinguish between promises and espousals?

7. In case of doubt, ought the doubt be resolved in favour of the espousals, or against them?

8. Are *private* espousals valid, so as to entail an annulling impediment equally as public espousals in Ritual form?

Besides these questions, others, no doubt, will occur to you when you will have entered on the subject, which may be still more interesting and useful, and you would assuredly clear up many a difficulty and do away with many an embarrassment to be met with in what is found to be a very intricate department of the public ministry of a working priest.

Pray pardon the liberty I venture to take in proposing to you such a task, which I should not be warranted in doing if I were not aware of your great desire to render your excellent Periodical as useful as possible, especially on subjects of applied Theology. I use the expression, because we find that after having read the ordinary course in College, we take with us little more than a speculative knowledge of our duties, and that, as in other professions, we have yet to learn how we are to apply our knowledge in the functions of the sacred ministry.—Allow me to remain, Reverend and Dear Sir, very truly yours,

A CORRESPONDENT.

[We hope to have an opportunity of considering these questions in the next number of the RECORD. Meantime we shall be glad to receive the views or suggestions of some of our readers who have a practical knowledge of the ideas, manners, and customs prevalent amongst the people in regard to espousals and other promises of marriage. We may take this opportunity of asking the indulgence of many correspondents who have sent us Rubrical and other questions to which we have been hitherto unable to attend.—ED. I. E. R.]

THE CONFRATERNITY OF THE HOLY FAMILY.

AMONGST the many useful confraternities that have sprung up recently in the Church, the Holy Family holds a high and honoured place. Its origin, no doubt, was very humble, but, like the little grain of mustard-seed that produces the largest tree and the richest foliage, this confraternity has produced results—lasting and wide-spread—for nearly half a century, that have startled many and have given additional lustre to our Church services. A brief sketch of its origin, results, and the manner of conducting it, may not be out of place in the pages of the RECORD.

Henry Belletable, a great patron of the Conferences of St. Vincent de Paul, and an officer of engineers, was its founder. He was born of virtuous parents in the Netherlands, in the year 1811, and joined the Belgian army at the age of nineteen. His regular conduct and intelligence soon attracted the attention of his officers and secured for him rapid promotion. But whilst thus serving under the Belgian flag, he did not forget that he had a higher Master to please, for we read in his biography, “that his piety was very fervent, his love of prayer unceasing, his daily life a bright example of virtue, and that, when stationed at Brussels, an official of one of the churches asked, ‘who can this good military man be who is seen every morning so recollected in the church? He never misses Holy Communion, and he seems so absorbed in prayer that one could hardly say whether he was living or dead.’”

Like all such true and fervent Christians, he had the heart of an apostle, and wished that men should feel that

real happiness can only be found in doing what is good, and in the knowledge and love of Almighty God. When transferred to Liege, as an officer of engineers, he had daily intercourse with workmen in the cannon foundry, and observed before his eyes enough to excite his piety and animate his zeal.

He saw that these men, who laboured for the life that perishes, forgot the life of the soul, that religious practices had no charm for them, but rather, that they led the lives of drunkards, neglected Mass and all Sunday duties, and, in consequence, totally overlooked the education of their children. He, however, despaired not of their reform, and it need not be told, as it can be inferred from the tenor of his own life, that he relied on religion as affording the only cure for their disorders. He fancied that if he and they met on one evening in the week after the toils of the day were over, for the purpose of prayer, pious instruction, and reading, much good might be effected. Accordingly, having made known his design to F. Dechams, Superior of the Congregation of the Redemptorists in Liege, and having obtained his approval, he, with seven others, held a first meeting in the house of a poor carpenter, May, 1844, under the patronage of Jesus, Mary, and Joseph. Thus began in apparent littleness, the society which has since produced such lasting good, and which holds to-day a high place in the great army of the Church.

Gradually men flocked to him in such numbers, that he, a trained military man, found discipline and organization necessary. Hence, after the plan of the army, he divided them into divisions or sections, placing over each a prefect or sub-prefect, and arranging them so that each section being distinct, all at the same time should obey a commander-in-chief, the spiritual director. The Redemptorist Fathers offered their own church for the meetings of the society, and, in taking charge of its spiritual interest, they found Henry Belletable its founder and organizer, the first and most docile member. The bishop of Liege seeing that it would be of immense benefit to his flock, had it canonically erected as a confraternity in his diocese, and obtained not only the sanction of the Holy Father, Pius IX., but also many indulgences, and the great favour of being raised to the dignity of an arch-confraternity, with the power of affiliating to itself other confraternities of the same name and object, and communicating to them all its spiritual favours and indulgences.

Humanly speaking, a society with such an humble beginning, and to which no earthly interest is attached, was not destined to make a noise in the world, or even to attract large numbers to its ranks. Still, the ways of God are wonderful, and in His dealing with men He often employs the weak things of earth to confound the strong, and thus to show that what is held to be unworthy of mention may become, in His hands, even a power unto salvation. This confraternity, founded by a layman in the obscurity of a carpenter's shop, and commenced by the illiterate and newly-reclaimed, is one such instance. If we judge by the results—immediate and remote—we must conclude that few confraternities have had so bright a career of usefulness and blessing in the Catholic Church during the past forty years. Scarcely had it received the Papal sanction when its banner was raised aloft in triumph in almost every country—commencing in Belgium, then in Italy, France, Holland, England, Scotland, America, Spain, and distant Australia, and five years ago it reckoned seven hundred and ninety branches, with at least 350,000 members. In Ireland it has found a congenial soil, and at this present day there are more than one hundred branches with 75,990 members, thus allowing an average of more than three branches for each diocese.

I will now answer a question that may be asked, viz. : What has this confraternity done to promote the sanctification of souls, and how has it served society ? My answer shall be brief and succinct. Its distinctive feature of *organization* serves these purposes well. It organizes into a distinct society, almost an entire parish, wherever it exists. The members in each locality come together to the church, kneel and sit and pray together in the church, are presided over in the several sections by the trusted and pious members, whose duty it will be to know and love those confided to their care ; to visit them in their homes if afflicted or sick, to admonish the careless, and, in a word, to take a deep and practical interest in all. The modern secret societies, which seem to constitute the main battleground for the Church in our day, are formidable because of the close bonds by which all their members are knitted into one, and through which their united strength becomes as a wall of brass against every opposing influence. Apart from the Divine power of the Catholic Church, and her innate certainty of success against every foe, open or secret, the Holy Family Confraternity, as a human means blessed

by God, is one of the most effectual weapons that can be used to check and uproot this peculiar evil, as it meets it on its own lines, and uses the same tactics in a legitimate way. Organization, then, close and effective, is the first advantage to be derived from this confraternity, and the order and drill, that partially mark kindred societies have sprung from this; and the pious, well-trained military man to whom we are indebted for this association would seem to have been specially raised up by God to put his impress on them all, and thus do valuable service for Holy Church. It is, plain, however, that every parish cannot be blessed with such an association. It is necessary to have large numbers, in order to organize with effect. It suits only cities and large towns, and villages having a population of eight hundred or a thousand souls. In all cases, many of the parishioners who live in country districts, and within a radius of three miles from the church, will be always found attentive and satisfactory members. The Association of the Sacred Heart of Jesus, or a well-sustained Christian Doctrine Society, will supply the want of purely country districts. The Holy Family Confraternity is a great source of delight to the greater number of our people; and it seems to be a necessary means, in large centres of population, to attach many persons to the Church, and to induce the younger members of the flock to receive the Sacraments regularly. Its organization will be a powerful help in these respects.

The spiritual advantages of the Holy Family Confraternity, thus organized, are many and valuable. *In the first place*, all the members are bound by rule to assemble in the church once each week, to listen with respect to some religious discourse, to take part in public prayers and the singing of pious hymns, and to assist at Benediction of the Most Holy Sacrament. This is a special and peculiar feature of the confraternity, and it is plain that it renders the preaching of the Word very effectual, as the same people are invariably present, and thus a series of instructions can be imparted without interruption, and with great advantage to the audience, because of its continuity.

The members are bound by rule to receive the Holy Sacrament of Penance and the Blessed Eucharist at least eight times during twelve months, and the peculiar advantage of this practice in the confraternity arises from the fact that, as at least on two occasions during

the year, *all* the members approach Holy Communion at the same time, they can receive special instructions on the conditions required in the recipients of the Sacraments, and may have an opportunity afforded them of making in common the necessary preparation.

The vice of intemperance is strictly discouraged, and the rule that regards it, and that generally prevails in English-speaking countries is, "that no member shall be ever seen under the influence of drink, and shall not enter a public house on Saturday evening or Sunday for the purpose of drinking." Scandal-givers in this respect—especially if brought publicly before magistrates—ought to be expelled if, after due warning, they do not amend. Unfortunately, such a rule is needed, and the honour and fair fame of the confraternity require that it shall be enforced.

The singing of religious hymns is a most interesting part of the exercises of the Holy Family, and every effort should be made to have it rendered in a pious and soul-stirring manner. Besides the charm that music always possesses, congregational singing of this kind enlivens and varies the exercises, is a source of great delight and edification, and we have the authority of St. Augustine for saying, that it elevates the mind to heavenly things, fills the heart with compunction, and gives us a longing for the New Canticle that shall be always sung before the throne of God.

The sick members are carefully looked after, and public prayers are offered for them, when they desire it, and for all the deceased members at each weekly meeting; a private Mass is offered for each member immediately after death, and an *annual* Requiem Mass is celebrated for all deceased members. Each sodalist receives a Patron Saint at the beginning of each year, and is supposed to invoke daily the protection of that saint, and to say one Our Father and a Hail Mary in his honour. Thus the golden links that bind all the members of the Church Militant, Triumphant, and Suffering, are duly provided for in this confraternity. And the doctrine and practices of devotion to the Saints, and of prayers for the dead, which the Church teaches and fosters, are constantly kept before the minds of all the members. The *Annual Retreat* should never be omitted and a member of some religious order may always be profitably invited to conduct it. The Retreat will maintain a spirit of fervour, recall the tepid or the

fallen, and induce new members to join, who will fill up the places of those whom death or other causes may have removed. That the Church wishes the faithful to join the ranks of the Holy Family Confraternity, is clearly demonstrated by the fact that its members can gain *thirty-six* Plenary Indulgences during the year, a partial Indulgence when they perform any pious act prescribed by rule, or promote the interests of the confraternity generally, and that they enjoy the valuable privilege that all the Indulgences, Plenary and Partial, can be applied for the relief of the souls in Purgatory. The parish into which those blessings enter, and in which they are spread, is thrice blessed indeed. And these blessings are sure to follow wherever the Holy Family is established and well maintained.

Its success mainly depends on the Spiritual Director who must necessarily be a priest. The meetings should be always held in the churches—not in schoolrooms or class halls as sometimes occurs. The exercises should be varied, and never too protracted or monotonous. Those who wish for detailed information, in order to establish or conduct a branch of this confraternity, will find it in Manuals, published by Duffy & Sons, and Gill & Son, Dublin. I will only suggest, firstly, that perfect order and discipline, in coming to and leaving the church, and during all the exercises should be maintained, and that the members should never be suffered, if possible, to relax on these points. Our people love order, and it will render the confraternity attractive. The sermon, or moral discourse, will be the chief attraction, and during the first three years of the existence of the confraternity, the members should be well instructed in all their moral and social obligations. Until this end is secured—one of the great objects of the confraternity—no other topic should be introduced. Afterwards, the instruction, for the sake of variety, may occasionally assume the form of a lecture on some historical or theological subject. Such a plan has been used with profit, but I believe it should be sparingly used. A short, *well-prepared*, and well-delivered sermon will always have most interest for the sodalists, who, on account of their deep respect for everything religious, consider it the most fitting address in the Church. It would be a pity not to encourage this partiality and respect for the Word of God. JAMES CANTWELL.

(To be continued.)

CORRESPONDENCE.

I.

RESTITUTION.

BONA INCERTA INJUSTE ACQUISITA.

VERY REV. DEAR SIR—I am glad to learn from the letter of C. J. M. that my paper on Restitution is not without interest to readers of the RECORD, and I beg to thank your courteous correspondent for what he says in its favour.

As his objections, which cover a large field, may, I think, find their solution in the article itself, I must resist the temptation to go over my ground again; and, for the sake of brevity and conciseness, I shall here do hardly more than tabulate them.

1. Your correspondent contrasts my “specious theory,” with a confessor’s “matter-of-fact practice.”

By the former I presume is meant the thesis I seek to maintain in the 2nd Part: viz., that the obligation in question reposes not alone on positive ecclesiastical enactment, but also on principles of reason, and natural and divine law; and is, strictly speaking, restitution due from commutative justice. For I cannot conceive that he would dispute the existence of the obligation itself (*sub gravi, per se*), or look on its assertion as but a “specious theory;” since to do so would be to go in the teeth of all theologians, ancient and modern, as is shown in the former part of my paper.

The certain obligation alone is what has to guide and determine the “matter-of-fact practice” in the tribunal of penance, together with the ordinary principles of prudence and *epikeia*, which the confessor will make use of according to the particular case and circumstances; some of which principles I pointed out at the close of my article.

All that comes under the head of “specious theory,” viz., the grounds on which I prefer to base the obligatory restitution, can in no way affect the “matter-of-fact practice,” or the duty of the confessor.

2. The thesis defended in my 2nd Part, is, however, no “specious theory” of my own, but is drawn from or supported by a large number of Doctors and Theologians, *v.g.*, The Salmanticenses, Molina, Sporer, St. Thomas, St. Alphonsus, Carriere, Scavini, Bouvier, Gury, Crolley, and others. Relying on principles, of natural and divine law, it maintains that the possessor has no right to his unjust acquisitions, and cannot keep them himself: that besides the wrong done to the *dominus* which cannot now be personally repaired, he has done an injury to society, which can and ought to be repaired: that thus society has a claim on the

goods from commutative justice ; and that the State—and also the Church, inasmuch as this is a matter which directly concerns the consciences of the faithful, and the spiritual direction of souls—has the right to legislate on them, and to determine their application for the public good ; that reparation is made by applying them for the benefit of society, and especially by giving them to the poor, or for what is considered by all theologians to be tantamount, viz., religious and charitable purposes, as being those public objects which most need assistance ; and that Catholics are, moreover, bound to apply them in this way by positive ecclesiastical law, according to the unanimous teaching of theologians.

3. The Doctors and Theologians who thus teach do not suppose that the poor, *qua tales*, or any individual amongst them, or again any religious or charitable institution, benefitted by the restitution, have any inherent right to the goods

4. Your correspondent treats in rather rhetorical phrase the notion that the possessor may apply the unjust goods to himself, *qua pauperi*. This, however, is the plain and express teaching of such grave theologians as De Lugo and Lessius, &c., who give very good reasons for it ; and I have met with no author who controverts it.

5. All the D.D. and T.T. I have consulted, unanimously teach that the ecclesiastical ruling of Alexander III. is certainly and everywhere in force, at the present day too ; and extends to all uncertain unjust acquisitions *ex quocumque delicto* : for in this sense it was always and everywhere received and practically applied, and so has become the universal custom, discipline, and law of the Church, which no novel or modern opinions can set aside.

In my article I have simply stated the commonly recognised teaching of moral theology as to what is certain and practical in the question. With regard to what is controverted amongst theologians, I have quoted their authority for that opinion which appears to me most solidly founded. Beyond an incidental remark here and there of very minor importance, there is nothing of my own. And with these explanations I have not anything more to add by way of further elucidation of a subject which, it must be confessed, is not without its difficulties.

It is now for your correspondent to state positively the views he himself holds as to what is of practical obligation in the question, together with the principles on which his practice is founded. But he must at the same time take care to support his opinion on both these points by the extrinsic authority of approved theologians, otherwise he will hardly save it from the imputation of being but a new and specious theory.

II.

BONA INCERTA INJUSTE ACQUISITA.

VERY REV. DEAR SIR—In the September number of the RECORD I ventured to solicit from your learned contributor of the previous issue, a solution of some few out of the many difficulties that may be raised against the more generally accepted doctrine regarding the disposition to be made of property unjustly acquired, when the owners are unknown. Have the poor or pious purposes a *jus strictum* in commutative justice that such goods must, *sub gravi*, be handed over to them as the rightful owners?

I am aware that the great bulk of theologians maintain, in their books, that they have this *jus strictum*; and, though many of them are satisfied with merely saying so and vouchsafe no proof, others give elaborate proofs and arguments, and supply in support of their theory texts of Canon Law, and numerous maxims and axioms derived from acknowledged principles of natural justice and ecclesiastical discipline. Hence I must, at the very threshold, bespeak for those who presume to raise difficulties and to suggest objections, all the indulgence and kindly treatment due by those who are rich and affluent towards their poorer friends.

It is necessary also to disclaim, on the part of those who thus object, every shadow or suspicion of disrespect towards the larger number of theologians; for, those so objecting aver that they are wholly indebted to the same writers for the lucid and unassailable establishment of the principles of sacred science from which they themselves conceive those objections to arise; and that, therefore, instead of showing disrespect, they are paying to them a loyal and dutiful homage.

The commonly received doctrine may be concisely stated thus in the words of LAYMAN: "*Debita incerta, provenientia ex delicto, pauperibus vel ecclesiæ restitui debent*"—because, as few of them omit to add, this is the PRESUMED WILL of the owners.

It is vital, therefore, to determine in the first place, and to determine even *in specie sua infima*, what are the essential elements of that presumption by which a new ownership is created.

"Fundantur præsumptiones," writes FERRARIS, "*rationibus naturalibus, quæ, ut plurimum locum habent, et in vita communi contingere solent.*" "Non sufficit," adds MOLINA, "*quæcumque verosimilis aut probabilis præsumptio, sed requiritur præsumptio moraliter certa aut longe magis probabilis.*"

Having thus ascertained the specific character of a "presumed will," they immediately encounter other theological principles that hamper the practical application of a presumption to an unknown will, even when that presumption is invested with all the prescribed attributes. Presumption, from its very nature, gives us at best only a probable knowledge of the object regarding which it forms its conjecture. It cannot detect the object as it is; neither

can it transform it. The man who *presumes* is in the condition of a sentinel who knows, only by surmise, that the armed soldier who approaches is a friend; and who may be made aware, when it is too late, that by his mistake he has imperilled the safety of the citadel. Presumption vanishes before the inexorable logic of fact; and hence the maxim in laws: "*Præsumptio cedit veritati.*" In so far as it is only a presumption, it has no objective existence, and is found only in the mind of the *fur et latro*—liable at any moment to an ignominious ejection without notice to quit or term of redemption.

Coming to the subject that immediately concerns us, let us examine whether or not the designs and desires of men as to the property that has been stolen from them, assume so uniform a direction and ever tend so harmoniously towards the same point as to be the *ut plurimum contingere solet* of common life—giving not alone a *likely* and *probable*, but also a *morally certain*, key to their intentions. If not, we have no substratum on which to found a rule of guidance, and the theory falls to the ground. If we fail in discovering a general uniformity of will, we have not those elements of presumption without which it degenerates into rashness.

Now, in this search for the Golden Fleece of moral unanimity, a strange variety of character must be examined. We shall be favoured with letters of introduction into "*Vanity Fair*" and others into the classic corridors of Newgate Prison. We must, as story-tellers are privileged to do, obtain an *entrée* into the drawing-rooms of those in high station and be eaves-droppers in the taverns and billiard dens where those socially of a lower rank most love to congregate. We must become familiar with the intricacies of mind and morals that influence the actions and thoughts of Rawdon Crawley, and Montague Twigg, and Becky Sharp, and the estimable Mrs. Clennam. We shall have to bear with the grasping knavery of Quilp, and applaud generous open-handedness in Captain Cuttle. In our roving commission we shall meet cases of worldliness like that of the elder Dombey, and splendid disinterestedness like that which characterized those "*glorious old gentlemen*," the Brothers Cheeryble. In one word, we must mingle with men and women of every class and degree—with the pertinacious and the penitent; the poor and the rich; those who lead the lives of saints, and those who wallow in the mire of sin; those who die with prayer on their lips and charity in their souls, as well as those whose last words are a blasphemy, and their last desire a thirst for vengeance. And when, after a weary journey, we have read the secrets of all men's hearts, we are asked to recognise as the *ut plurimum* of our enquiry, that, whereas, in all other details of life they are as widely separated as the poles—each moving in a great circle of his own—they unite in a marvellous homogeneity of soul and sentiment in one deliberate will—that their *bona incerta* be distributed among the poor.

This, we are desired to believe, is a spontaneous growth in the soul of every man (*e ratione naturali*); the thing that almost always happens, the experience of every-day life.

Perhaps so; but do we find it so?

Furthermore: the theory of the "*Præsumpta Voluntas*" involves many amusing consequences; for its advocates undertake to formulate a law by virtue of which we may, with a moral certainty of acting rightly, dispose of all uncertain property—one so comprehensive and all-embracing in its provisions as to reach lost goods of every complexion, whether they have come into our possession in good faith or in bad.

They take us into the "Lost Property Office" of the G. S. W. Railway at Dublin, and thence into the office of the L. N. W. Railway at Euston-square, and thence into the Bureau of the Lyons and Marseilles Chemin de fer at Paris, and similar establishments all the world over. In all these we shall find massed and shelved in orderly confusion, portmanteaus, tricycles, Alpine staves, watches, overcoats, purses, rugs, rings, books, filagree, bijouterie, and the thousand materials for an Exposition Universelle, that travellers persistently carry about, ostensibly for the purpose of losing them. Next, we follow them to the death-beds of the millionaire *maitresses des maisons d'assignation*, and help them to count over the tiers of cabinets in ebony and gold that groan under their burthen of jewellery and deposit receipts, representing the ransom of many kings, and representing also what had been the property of men who, be assured, will never return. Or, they may take us to the romantic grottoes of Monte Christo, and dazzle both eye and brain by the gorgeous display of diamonds and rubies that have repaid the toil, and skill, and strategy, and now enrich the palaces, of banditti. They may take us whither they please in a voyage round the world; and, when our eyes are heavy with gazing upon treasure-trove and our brains weary with dreaming of some algebraic formula by which to estimate the value of all these accumulated masses of wealth, they will relieve and disenchant us by applying their rule and proving to us that all we have seen and wondered at belongs to the poor—by the presumed will of the owners.

Verily, the poor shall be rich, when they come by their own.

Unfortunately, however, men whose intimate dealings with their fellow-men extend uninterruptedly over a quarter of a century, are forced to lament that, in their experience, they have not found any such all-pervading will.

They find, on the contrary, that the great majority of men carry with them to the grave an insatiable longing to regain possession of what they have lost, and that they never once think of alienating it. If you ask them to surrender their claims to the poor, they marvel at the simplicity of your innocent heart; if you tell them that these goods are practically lost to them for ever, they smile at your want of knowledge of the world, and knowingly

observe that such is not *their* opinion. Hence, they tell us, that the bulk of men so circumstanced go to their grave, bequeathing to others the suspicions and hopes that had haunted themselves during life, and not once thinking of the poor.

They tell us that they find others who, admitting the hopelessness of re-entering into possession, simply abandon all hope. That they find not a few who, in the same despairing condition, are satisfied that those goods, now beyond their reach, *may* yet benefit the needy or charitable institutions. That they find others too, who, obeying the impulse of their own benevolent nature, or through the operation of grace, lovingly bequeath their lost possessions to the poor, but that,

Alas! for the rarity
Of Christian charity,

they are the fewest in number.

And here, and frequently throughout the argument, we should recall to our minds, that we do not argue from what men ought to do: from what they should be counselled to do: but from what they have actually done *ut plurimum*, of their own free, deliberate choice. None other transfers dominium.

Much more might be added to the same purpose, especially regarding those who have lost all recollection of their losses, and the reckless multitude who "let this go where the rest is gone;" but it is needless to multiply exceptions, "*quæ in communi vita contingere solent.*"

These difficulties seem well grounded on principles of sound theology and experience; and, until the statements as to fact are displaced and the arguments are proved to be fallacious, those men whose views I have even so feebly sketched, contend that their adversaries have failed to establish a law "*ex præsumpta voluntate.*"

C. J. M.

NOTICES OF BOOKS.

Poems by D. F. MacCarthy. Memorial Edition. Dublin: M. H. GILL & SON.

This beautiful volume deserves a hearty and general welcome. For a long time past we do not think better value has been offered for the money. Of course this volume does not contain all the poetry written by D. F. MacCarthy—the translations from Calderon would make a large volume by themselves—but it contains a very choice selection, nearly all his best poems. We have specimens to please every taste—patriotic and historical Songs—Poems of the affections, the Centenary Odes on O'Connell and Moore, Sonnets, and Verses on various subjects. D. F. MacCarthy was an ardent lover of Shelley's poetry which he carefully studied, and we can easily trace the influence of his brilliant imagination in the

"Underglimpses" of the Irish Bard. The "Skylark" at once recurs to our mind, when we read the "Spirit Voices," an ethereal music rings in our ears, and the "airy offspring" floating from the fountains of the past bear with them visions of beauty that send warmer pulses through the feeling heart.

The "Bell Founder," however, and the "Voyage of St. Brendan," are our special favourites. The story of the old Campanaro, whose heart is broken when he hears once more the sound of his "musical, magical bells," freighted with the memories of the dead, is told with exquisite melody and pathos. We think the "Voyage of St. Brendan" is not nearly so well known as it deserves to be. The wonderful tale is substantially true, and the poet tells it with great fidelity to the original. The glowing imagery, the stately flow of the verse, the sweet and solemn thoughts, lend so many charms to the wonderful Celtic story that we wonder it is not as familiar to every Irishman as one of Moore's Melodies, or the Songs of Davis. The Foray of Con O'Donnell is a dashing War Song of one of the Bards of Tir Hugh, a "thoughtful, wandering, minstrel man," whose envious lay lights up the clansmen's angry eyes, and arms their chief for instant battle. The fairy tale of "Alice and Una," tells us of the mad ride of Maurice on the phantom horse through the wild gorge of Ceim-an-Eich; and in Ferdiah is described the combat at the ford between that brave champion of Royal Meave and the renowned Cuchullin, the Hound of the North. There is great variety and beauty in the poems. The book is splendidly brought out with excellent paper and printing, in an appropriate binding of light green, and it may be had for a mere trifle. It is a memorial worthy of the poet, and ought to be in the hands of every Irishman.

The Life and Times of the Most Rev. John McHale, Archbishop of Tuam. By the Rev U. J. BURKE, P.P., M.R.I.A. Dublin: M. H. GILL & SON.

In writing the "Life and Times of the Most Reverend Dr. McHale" there were at least three serious obstacles opposed to the author's success. In the first place, he had to address a disappointed public. Soon after the death of the Archbishop, it was announced through the public press that Mr. A. M. Sullivan, M.P., had undertaken to write the life of Dr. McHale. The biography of "John of Tuam," written by Mr. Sullivan, would have been another "New Ireland."—Sed aliter diis visum est.

A second and seemingly an insuperable obstacle to success arose from the fact mentioned by the author in his Preface, namely, that he had not access to a single document left by the late Archbishop. In such circumstances we cannot be surprised that notwithstanding the solicitations of many friends and literary circles, the writer hesitated to undertake a work which pre-eminently required for its satisfactory execution much more information than

could possibly be gleaned from casual conversations with the Archbishop, or from the previously published accounts of the part he had played in the stirring events of more than half a century. Neither can we wonder that the absence of trustworthy documentary evidence regarding the aims, and hopes, and fears, of the different stages of Dr. McHale's life, has frequently driven the author to take refuge in what an eminent historian has well described as the easy refuge of circumjacent historical facts.

There was a third obstacle which, whether real or imaginary, must have been a source of serious embarrassment to the author. It was the limited space at his command. The size of the volume, he tells us, was fixed by the publishers, so as to suit a shilling series. If allowed to give full expression to his views, the volume would have been three times its present size. There are times, no doubt, when it is useful for the writer to feel the rein gently pressing, but a pressure so severe as to reduce any work to a third of the desired dimensions, must act very injuriously on the author.

But we must candidly say that we cannot bring ourselves to adopt Canon Burke's view regarding the space he required. It seems to us that the space at his disposal was more than sufficient for the materials he had at hand. Otherwise why occupy a whole chapter with a rhetorical bird's-eye view of the surrounding country as seen from Mount Neifin, and embracing, as the writer tells us, the whole of the counties of Mayo and Sligo, and part of Galway.

Most of his readers, we imagine, would prefer some short account of the "several public events in which the late Archbishop had acted a part," here omitted from want of space, to the large amount of extraneous and not always important matter scattered up and down through the book. Although we honestly admire the dutiful devotion to the memory of the illustrious dead, and the varied research displayed by the author in the composition of this book, still we cannot help thinking that he has neither done justice to the subject of the memoir, nor reached the standard of his own former productions.

We have received for Review the following Books:—

From MESSRS. BURNS & OATES—

The Granville History Readers:—No. 4. Edited by J. LIVESEY.

Extracts from the Ecclesiastical and Civil Laws regarding Marriage in this country (England), for the use of Lay Persons.

The Groundwork of the Christian Virtues: A Course of Lectures.
By BISHOP ULLATHORNE.

From MESSRS. GILL & SON—

The History of the Blessed Virgin Mary. Translated from the French of ABBE ORSINI, by the Very Rev. F. C. HUSENBETH, D.D., V.G., Provost of Northampton. A new Edition with Illustrations.

Uncle Pat's Cabin: or, Life among the Agricultural Labourers of Ireland. By W. C. UPTON.

THE IRISH ECCLESIASTICAL RECORD.

NOVEMBER, 1882.

THE WRITINGS OF CARDINAL CULLEN.¹

THESE three volumes, which contain the Pastoral Letters and other Writings of his Eminence the late Archbishop of Dublin, form the most valuable contribution of the present century to the Ecclesiastical history of Ireland. They cover a period of nearly thirty years, from February, 1850, to October, 1878, and it is not too much to say that during that most important period of Irish history, the late Cardinal was not only the head of the Catholic Church in Ireland, but also the most influential and energetic champion of its interests. He guided its policy, he shaped its destiny, he moulded its discipline. It is his voice that speaks at the Synod of Thurles in 1850, and at Maynooth in 1875. He had a purpose which he steadily pursued, and a mission which he almost completely accomplished. He spoke with no uncertain voice on all the great questions affecting Catholic interests, and no government could ignore his influence. His history is the history of the Irish Church during his episcopate, and these volumes furnish ample materials for understanding both. The Editor, as might be expected, has done his work well; but we venture to think it would add much to the interest of these volumes, if Dr. Moran had given us a brief memoir, of his illustrious Uncle. It would serve to fix the reader's attention on the noteworthy events to which the various documents refer, and render them more intelligible to the ordinary reader by marking their connection and mutual dependence. Nor

¹THE PASTORAL LETTERS AND OTHER WRITINGS OF CARDINAL CULLEN, ARCHBISHOP OF DUBLIN. Edited by the Bishop of Ossory. Dublin: Browne & Nolan, 1882.

would such a memoir lessen the interest with which a fuller life with appropriate extracts from these letters would be read by all intelligent Irishmen. No doubt such a life will shortly make its appearance, and will be eagerly read by very many persons who would be unwilling to undertake the perusal of these three bulky volumes.

The first document in the collection is the Pastoral Letter to the clergy of Armagh, addressed from Rome by Dr. Cullen on the 24th February, 1850—the day of his consecration as Archbishop and Primate of all Ireland. In this, his first address, we naturally seek the keynote of the new Prelate's character and policy, and we can easily find it. Every page breathes the spirit of a charity as intense as that of St. Paul, and I believe that most people would agree that charity in its widest sense was the late Cardinal's most characteristic virtue. He puts forward, too, the principles that were to guide his future conduct, and the foes whom he meant to attack. As faith is the root of all spiritual life, he signals out the open or covert opponents of the Catholic faith as the most dangerous enemies of the Church. Hence he cautions the clergy from the very beginning against, "the many systems of education in which snares are laid for unsuspecting youth." He warns them to beware of those "who pretending to promote the interests of society preach up sedition and licentiousness under the sacred name of liberty." He denounces proselytism in exceedingly vigorous language, as "a base and degrading traffic" in immortal souls; and implores the clergy to stop "the torrent of bad books by which society is inundated, or if they cannot remove the poison to try and procure an effective antidote by giving those under their charge a sound religious education."

With these four enemies the late Cardinal was in perpetual conflict, he never for a moment forgot them, in all his public utterances the reader will almost invariably find reference to some one or the other of these "wolves" who prey upon the flock of Christ; and most certainly he did much to scare them away. Proselytism, secret societies, mixed education, and bad books, were for him a hydra begotten of Satan, having one body and four heads. It was well to strike down the monster if possible; if not, at least to try and smite the head that was nearest and greediest.

In this same Pastoral we can note the cardinal virtues of the Archbishop's sacerdotal character—an intense devo-

tion and unswerving fidelity to the Roman Pontiff, which we, like his enemies, may call Ultramontanism—a tender love for the Blessed Virgin Mary, and a great zeal for the renovation and maintenance of ecclesiastical discipline. It will be seen that in every one of his public acts, the Cardinal gives ample evidence of his love for these three virtues, which in him were cemented by a most unselfish charity.

The next important pronouncement was the Synodical Address of the National Council of Thurles, dated Sept. 9th, 1850. If this document was not actually written by Dr. Cullen, it certainly expresses his views. He was, as he himself tells us, sent from Rome to procure the condemnation of the newly-established Queen's Colleges, and found a Catholic University after the model of Louvain. He presided in the National Synod held mainly for this purpose; and hence we find special prominence given to the great question of Catholic Education. The new governmental system is described as "fraught with grievous and intrinsic dangers" to the faith and morals of Catholics, and Bishops and Priests are forbidden to take any part in carrying it into effect. At the same time the people are solemnly cautioned against those condemned versions of the Scriptures, which were in the hands of the proselytisers, and also against all those publications "in which loyalty is treated as a crime, a spirit of sedition is insinuated, and efforts are made to induce the people to make common cause with the apostles of sedition and infidelity in other countries." These words were certainly not designed to convey any censure of the Tenant League, which had been established in the previous month of August; but were rather directed against the leaders of the secret societies, who in spite of the abortive attempt at rebellion two years previous, still continued to excite the people to sedition and bloodshed, and were undoubtedly in league with the revolutionary propaganda of the French capital. Doctor Cullen declared, at a later date, that at this period his own diocese of Armagh was infected with these secret societies, and that they were only eradicated by the zealous efforts of the Vincentian Fathers during their missions, especially in Dundalk and Crossmaglen.

The country was just then in a very excited state. "Clearances" of the wretched tenantry, who had survived the famine, were taking place in many counties over wide areas. Hence, although the prelates caution the people against the agents of sedition, they denounced in eloquent

and forcible terms the horrible cruelties of the ruthless exterminators, "which have no parallel except in the atrocities of savage life."

The disciplinary enactments of this famous Synod have done much, as every one knows, to infuse that vigorous and fruitful spiritual life into all classes of the Catholic community, which has ever since manifested its presence in multiform works of charity and religion.

Meanwhile Dr. Cullen lost no time in carrying out the other portion of his scheme—the establishment of a Catholic University. A committee of prelates had been appointed by the Synod of Thurles, consisting of the four Archbishops, and four Suffragans—one from each province. This committee issued an address to the people of Ireland in Sept., 1850, on the subject of the new University: and this address was supplemented in November by a Pastoral Letter from Dr. Cullen to the clergy of Armagh on Catholic Education. This document is of considerable importance, because it contains an elaborate exposition of Dr. Cullen's views on Catholic Education, from which he never afterwards swerved. At a later date, in February, 1869, we find a still more extended exposition of the same principles given before the Royal Commission on Primary Education; but a careful study of both documents will show that Dr. Cullen still adhered to his original views on all points. These views were enunciated with admirable clearness and force before the Royal Commission, and will well repay careful perusal.

He declares that all "sincere and enlightened Christians are agreed that religious education is necessary, that without it no man can know what to believe, or what to do, and that both faith and works are necessary for salvation." The greatest writers, philosophers, and statesmen of every party and sect, whom he quotes at length, all admit that religion is an essential part of everything worthy of the name of education. But to have a religious education, "the teacher should be religious, the atmosphere of the school should be religious, every hour of the day religion should be inhaled," in order to maintain the moral growth of the rising generation at all stages of their education—primary, intermediate, and university.

From the necessity of religious education, the Cardinal adds, follows the right of the Church to direct and control it, a right which she has not received from man, but from God, and which she can never consent to forego.

The first objection of the Chairman of the Commission was that this doctrine was impracticable in a country like Ireland; but Dr. Cullen pointed out that if it was practicable in England, it could not fairly be deemed impracticable in Ireland, and he formulated a scheme which he showed was quite feasible and at the same time denominational.

A more serious difficulty was urged when a member of the Committee observed that Dr. Murray had sanctioned what he, Cardinal Cullen, condemned. "No," answered his Eminence, "Dr. Murray did not *sanction* the National School system; he only tolerated it as an experiment, and he took a place on the Board to observe how it worked. He thought it might succeed, but in this he was mistaken, the mixed system as such could never succeed. Whenever the clergy put forward their views on the education question, they always required the denominational system." The Cardinal was particularly emphatic in showing that Dr. Whately intended and believed that the system would undermine by slow degrees "the vast fabric of the Romish Church" in Ireland, and he roundly accuses him of "treacherous" conduct in his capacity as Commissioner. When asked to explain how Dr. Whately's conduct could be regarded as "treacherous," his reply is crushing. "Dr. Whately," he says, "repeatedly asserted in the official reports signed by his hand, that all proselytism was strictly prohibited, but declared in private to his friends that the system was a vast engine of proselytism undermining the faith of Catholics, and he intended it to be such." Such conduct was hardly fair; it was *treacherous*; and few will gainsay the statement from an impartial point of view.

But was not opposition to the National system an outcome of that Ultramontaniam which had its expression in the Synod of Thurles and in Ireland dated from the Cardinal's own appointment to the See of Armagh without consulting the clergy, observed one of the Commissioners? However, his Eminence met this difficulty too. Ultramontaniam, he said, is nothing except a term of opprobrium as used in the English newspapers. As applied to Irishmen in so far as it means anything, it signifies devotion to the Supreme Pontiff, that is devotion to the Catholic Church, and therefore every true Catholic is an Ultramontane, and in that sense of the word the Irish Catholics, or nearly all of them, were Ultramontanes.

As regards his own elevation to the See of Armagh and his subsequent translation to Dublin, both, he added, were

in strict accordance with canon law. The Pope had originally the right of nominating to all the Irish Sees. About 1830 he granted to the Parish Priests the right of selecting three names, but that rescript reserved to the Pope the right of nominating whenever he thought proper. He did think proper in the case of Armagh to exercise his right, and acted accordingly; but he followed the recommendation of the clergy in translating Dr. Cullen to Dublin.

As regards the books used by the Board, the Cardinal observed that they were objectionable, because most of them were composed by Protestants, especially by Dr. Whately and the Rev. Mr. Carlisle. Regarding their literary merits, his Eminence made the pregnant observation, "that if all the books printed by the National Board were sent to the middle of the Atlantic and cast out into the ocean, Ireland and her literature would suffer no great loss." That is not to be wondered at, seeing that in the Fifth Book of Lessons, in 124 pages of history, the first mention of Ireland is to the effect that in the 12th century "Henry II. received the submission of the Irish kings." The second fact, mentioned under the date 1800, is "the Union of Great Britain and Ireland." The Cardinal's evidence before this Commission covers nearly 300 pages of the second volume, and certainly deserves careful study. There can be no doubt, too, that his able and skilful exposure of the defects of the National system did much to induce the Commissioners to remove the principal causes of complaint. It is to him, and to others who so vigilantly watched the working of the National system, that we owe its practically denominational character in many parts of Ireland. So far from becoming, as Dr. Whately anticipated, a proselytising agency, it has become just the reverse; proselytism has been successful to any appreciable extent only in those places where the National schools did not exist.

In the case of Intermediate Education, the efforts of the late Cardinal to secure the denominational system were crowned with complete success. In spite of the parsimony of the Government the system is working well, and seems to give satisfaction to all parties.

In the matter of University Education, however, the denominational system has hitherto met with greater opposition and achieved a more dubious success.

The Queen's Colleges were founded in 1845, and at first received considerable support from influential quarters, both

clerical and lay. Even the hierarchy itself was divided; and, after some discussion, it was decided to refer the question to Rome. After a mature discussion during the summer of 1847, the Congregation of the Propaganda pronounced, in a rather hesitating way, against the new institution—*“Religioni institutionem hujusmodi detrimento existere arbitratur.”*

Meantime great efforts were made to avert anything like a formal condemnation of the new Colleges, whereupon Dr. M'Hale and several other Prelates went to Rome in 1848, just before the Revolution broke out, and their representations determined the new Pope, Pius IX., to condemn the Colleges at the earliest opportunity. So, when the revolutionary storm had blown over, and Pius had returned to his capital in 1850, instructions were given to the new Archbishop of Armagh to convene the Synod of Thurles, and have the Colleges condemned. This was accordingly done; but lest Catholics should complain that there was no place of higher education for them, it was resolved to found a new University in Dublin after the model of Louvain.

From this period, until the time of his death, there was no other project which the late Cardinal had more at heart, and to which he referred oftener in all his public addresses. The Committee appointed by the Synod of Thurles, of which he was the head, at once took vigorous measures to ensure success. A strong appeal was made to the country; large sums of money were collected. England, America, and even France, were invited to give sympathy and support to the new movement. Public addresses were delivered, large subscriptions flowed in, remonstrances were made to the Government on the gross injustice to which Irish Catholics were subjected; and of all these sustained efforts the Cardinal was the soul.

Almost from the beginning, however, difficulties arose. There was no other Irish Prelate who more vigorously opposed the Queen's Colleges than Dr. M'Hale, yet so early as 1854, he began to hold aloof from the Catholic University scheme. Canon Ulick Bourke, in his *“Life of Dr. M'Hale,”* declares, on the authority of the Archbishop himself, his reasons for so doing. In his opinion the new University should be a national institution, the Board of Bishops should have a voice in the nomination of its professors, it should “be ‘universal’ under a two-fold form—first, in its directive administration, and next, in its objective exten-

sion." The last expression is somewhat vague; but we suppose it means that the Catholic University, like the College of Maynooth, should be national in its government, its professoriate, and its students. Dr. Cullen, it is added, could not accept this view. He claimed to have received from the Pope the supreme government of the new University. "The advice of Dr. M'Hale was not heeded; nay," the writer adds, "it was treated with complete disregard."

If, indeed, the Catholic University was not meant to be a national institution in every sense indicated above, many persons will think it deserved failure; but as far as we can form an opinion from the materials in these volumes, there is nothing to show that Dr. Cullen ever meant it to be anything but a truly national institution. He would of course naturally be the Chancellor of a University within his arch-diocese: but everything points to the fact that he was prepared to take the advice of the Irish Prelates, whether or not he was willing to give them a definitive voice in its government. A National Committee was appointed—the four Archbishops and four Suffragans, one from each province—a national collection was organised, which, so early as May, 1854, had produced £17,000. The Rector, although an Englishman, was, as all admit, the best that could be chosen. Celtic talent was, however, many people think, too much ignored in the composition of the original professoriate.

In spite of Dr. Cullen's best exertions, the institution from that day to this has led a struggling existence. Two well-meant attempts were made by Government—one by Lord Mayo, and the other by Mr. Gladstone—to do justice to Catholics. Both attempts miscarried, unfortunately as some people think, but such was not the opinion of Cardinal Cullen. He was not a man of compromise when he thought principle at stake. He would have the denominational system pure and simple, or nothing at all.

What he would have thought of the Royal University Scheme it is difficult to say. We earnestly hope it will work well for the interests of Catholic education, and wish it every success; but there are many thinking men who watch the experiment with some distrust, or we should rather say, with a kind of benevolent anxiety, lest perhaps it might accomplish the very purpose it was designed to counteract.

We said in the beginning that secret societies were always an abomination to Dr. Cullen; the vigorous on-

slaughters which he makes on them in these volumes abundantly prove it. And certainly this is not unnatural. An Irishman who only knew their action in Ireland, which is bad enough, and saw with his own eyes the cruelties and oppression against which they vainly struggled, might, while condemning them, have some sympathy for their members; but he had none. He was, in truth, in some respects, more a Roman than an Irishman. He went to the Eternal City at the age of twenty years, and had lived there twenty-nine years when he was made Primate. He had, moreover, seen with his own eyes the diabolical conduct of these secret societies in Rome. He had seen them expel a liberal Pope, assassinate his Prime Minister, and outrage religion in every possible way. He knew that those societies, in various countries, were in league with each other, and that their leaders were in frequent and intimate communication. So, from the very beginning, he denounced and crushed the Ribbonmen in Armagh. When he came to Dublin, in 1852, he carried on the warfare; but there was no occasion for speaking out for some years. In 1858 Fenianism really began. Mr. James Stephens and Mr. John O'Mahony made their escape to Paris after the unsuccessful movement of 1848. They remained there for some time, and were thoroughly trained in the principles, and honoured with the friendship, of the worst leaders of that central revolutionary school.

After completing his political education in the French capital, Mr. Stephens returned to his native country in 1858, and worked so successfully, especially in the neighbourhood of Skibbereen, with the assistance of Jeremiah O'Donovan—Rossa was afterwards added—that before the year was over the district was ripe for revolt. But the Government had heard all about the plot. A raid was made upon the conspirators on the 3rd December, 1858, their leaders were tried and convicted in the following spring, and the Phoenix Conspiracy disappeared from history; but not the men. Henceforward America became the basis of operations, although Ireland was to be the theatre of the war. What has since been called the Dynamite Policy was openly advocated, both in New York and San Francisco, by Mooney's *Express* and other journals. Terence Bellew MacManus, one of the '48 refugees died in the last-named city in 1861. It was resolved to bury him in Ireland, and give him a national funeral. The 10th of November was the day named for interment;

but Dr. Cullen refused permission for the corpse to lie in any church within his jurisdiction.¹

In a Pastoral Letter on the 8th of December, the very next month, he attacked the revolutionists with vigour. "They render more intolerable the grievances they pretend to redress, drunkenness is encouraged at their meetings, their members are taught to violate the rights of property, and their deeds often terminate in bloodshed and murder." This is severe enough; what follows is worse. "Not only are they cut off like rotten branches from the Church, but amongst them are traitors, who, while most noisily denouncing the Government, are in the pay of the Castle as spies."

Public denunciations like this did not tend to make Dr. Cullen a popular favourite. He never was beloved by the "Nationalists," and he never valued their applause or feared their hatred. In October, 1865, when Fenianism was ripening for its doom, he published another letter, "On Orangeism and Fenianism," in which he attacks the leaders of the movement: "Who are its leaders? What public service have they rendered to the country? What claim have they to demand our confidence? Are they men

¹ Mr. A. M. Sullivan, in *New Ireland*, thus refers to this incident:—"Some one suggested that the body of the dead rebel should be disinterred from its grave in foreign soil, and be borne with public ceremonial across continent and ocean to the land of his birth. The proposition was enthusiastically embraced. It was a proceeding which appealed powerfully to the sympathies of the people.

"It was only when the 'funeral' preparations had been somewhat advanced, a whisper went round that the affair was altogether in the hands of the Fenian leaders, and was being used to advance their projects. Indeed, at one time, the purpose was seriously entertained of making the MacManus demonstration the signal for insurrection. The idea was vehemently and successfully combated by Mr. Stephens, on the ground that his preparations had been only begun. The Most Rev. Dr. Cullen, *aware of what underlay the proceedings*, refused to permit any lying-in-state or other public ceremonial in the churches of his diocese—a decision which drew upon him the wildest denunciations. With great cleverness the revolutionary leaders called any opposition to their arrangements 'enmity to the dead,' 'hostility to love of country.' Five years later, when the Fenian chiefs themselves avowed that the funeral was the expedient whereby they really established their movement in Ireland, the conduct of the Archbishop was better understood by many who were among the loudest in censuring him at the time. That day gave the Fenian chiefs a command of Ireland which they had never been able to obtain before. Some of the Fenian authorities have estimated that a larger number of adherents were sworn in during the three weeks of the MacManus obsequies than during the two previous years," page 245.

of religion? Are they men remarkable for sobriety, good conduct, and attention to their business? Are they men to whom *you would lend money*, or entrust with the management of your property?" He evidently expects the answer "No," and adds that the Fenian paper called the *Irish People*, "was a vehicle of scandal, and circulated in its columns corrupt and poisonous maxims." Even ten years later, when Fenianism seemed to be dead and buried, he had it again condemned in the Synod of Maynooth in 1875.

Yet, he says, there are true patriots; "not the dissipated, the drunkard, the men who spend their days in idleness and their nights in bad company, hatching plots and conspiracies—these are not patriots. The true lover of his country is the man who shuns sin and scandal; who is sober and temperate; who practises the duties of his religion: who performs the obligations of his state of life, and trains up his children to be industrious like himself: such a man contributes to the real interests of the country, by his integrity, industry, and energy; he is a good citizen and a good father." And with regard to his country, "her literature, her history, her antiquities, her ruins, her victories, her heroes, her sages, everything connected with her glories, will be to him a subject of pride." If the doctrine laid down so clearly in these extracts is not "patriotic," it is certainly worthy of a Christian Prelate, and in accordance with the dictates of common sense.

There was perhaps no phase of the late Cardinal's character more praiseworthy and characteristic than his generous loyalty towards the Holy See. He was indeed an Ultramontane of the purest water; "he respected and venerated the decisions of the Holy See" in all things, great and small. It was not merely that in the domain of faith and morals he regarded that See as infallible—not merely that he was prepared to give to the Pontiff a constitutional obedience according to the canons. Rome's slightest wish secured his unhesitating compliance; filial love took the place of formal obedience, and knew no distinction between wishes and commands. In the very first of these documents, written from the Holy City, he describes, in eloquent and touching language, the unfading glories of the capital of the Christian world, "the common home and country of all Catholics." He declares his deep regret at having to bid her farewell, adding that his heart will always fondly turn to Rome—that she will always be

the centre of his affections, and the beginning of his joys. In like manner, his love and reverence for Pius IX., were intensified by his personal friendship for the man and veneration for the saint. His loyalty to the Pontiff did not spring merely from a sense of duty; it gushed forth from the heart's highest and holiest affections. There was the same difference between his devotion to the Pontiff, and the obedience of other Prelates, as between the loyalty of the old cavaliers to the House of Stuart, and the modern article which is motived and limited by the Bill of Rights.

Of course, Dr. Cullen gave constant expression to these sentiments, and so it was said he was an Ultramontane, and denationalised the Catholic Church of Ireland. Those who know anything of National Churches, in the Gallican sense of the term, would be very thankful if this were true. As a matter of fact, however, we never had a "National" Church in Ireland in that sense of the word, and it is to be hoped we never shall. The thing itself is evil, and the tendency thereto, be it great or small, is dangerous. All Dr. Cullen's influence effected was to intensify the fidelity of the Irish Church towards the See of Rome, which is the centre of unity; and all who regard it as such, will not think that in these evil days the bonds of union between the head and the members can be drawn too close.

As might be expected, throughout his entire career, the late Cardinal was the uncompromising champion of the rights of the Holy See, and at every stage thoroughly approved of the great doctrinal acts of the late Pontiff. Hence we find in these volumes the most vehement denunciations of the Sardinian Government. He exposes the fraud and perjury of its agents, "the sworn enemies of the Pope, the defenders of treason and sedition, of rebellion and the dagger, of revolution, immorality, and infidelity." And he points out more than once that the English Government and the English press aided and abetted Cavour and Garibaldi in all their schemes of spoliation and robbery; and that if their title to government over Irish people were to be tried on the same principles which they applied and applauded in the Papal States, their tenure of power in Ireland would be of very brief duration.

One cannot easily find a more exhaustive defence of the rights of the Holy See than is contained in the address delivered in Dublin by Dr. Cullen at a public meeting, held on the 9th of January, 1860.

We cannot notice the share which the late Cardinal took in the great public acts of the Holy See—the defining of the Dogma of the Immaculate Conception in 1854, and especially of the Infallibility of the Pope at the Vatican Council in 1869. He delivered several public addresses, too, contained in these volumes, in which these great dogmas are explained and defended. Neither can we stay to refer to the part which he played in the Synod of Maynooth in 1875. He was regarded by many as a stern disciplinarian; but those who best know the inner history of this Synod, all declare that his great influence was constantly employed to moderate the severity of many of its disciplinary canons.

We take the liberty of recommending the perusal of these volumes, so beautifully printed and splendidly bound, to all who would clearly understand the History of the Irish Church for the third quarter of the present century, as well as to those who for their own guidance may wish to examine the gradual unfolding of a great policy, and to ascertain the enduring fruits of its development.

J. HEALY.

CLONMACNOISE, OR THE SEVEN CHURCHES.

“Majorum gloria, posterum lumen est.”

ABOUT mid-way between Athlone and Banagher, on an elevated spot gently sloping up from the lordly Shannon, may be seen the remains of an Abbey that once held high place amongst the most celebrated centres of sanctity, wisdom, and learning, in ancient Ireland. During the brightest epoch of our real glory, it ranked second to no rival. Bangor, Clonard, and Clonfert, alone amongst the multitude of ecclesiastical fortresses that kept and spread blessed and civilizing influences in our land, were deemed worthy to be reckoned amongst its competitors. They did not, however, excel it substantially in aught. Remarkable alike for the splendour and magnificence of its buildings, the extent and value of its possessions, the sanctity of its inmates, the scholarly and brilliant attainments of its professors, together with hospitality to the stranger and the poor, it gradually became the Iona of Ireland. Need

I say more to indicate its name? It is a hallowed name, and there is a great deal sometimes in a name, notwithstanding the insinuation from a high authority to the contrary.

Clonmacnoise, or the "Seven Churches," as it is popularly, but erroneously called, is the sacred ruin to which I refer. Alas, its greatness has departed. Ruthlessly and violently was it taken away, and so this venerable Abbey has fallen a victim to the rapacity of the invader. Sanctity, learning, and hospitality have fled. The halls and cloisters in which they so long flourished and held sway have long since disappeared, leaving nothing behind, save mouldering ruins and ivy-clad walls sentinelled by two round towers of "other days" to speak the sad record of violated justice, profaned sanctuary, of fallen greatness.

Every stone, however, that remains in her crumbling walls, the dust and clay you press beneath your feet, and even the fresh and invigorating western breezes that fan this dismantled Abbey, whisper something of human and heavenly grandeur. Here prelate and king, abbot and monk, learned professor and talented student, prince and peasant, sleep together in their quiet graves; whilst evidences of pagan rites and monuments of the pre-Christian times are not wanting. And here the lines written by a great but unhappy poet, regarding the greatest centre of all that is good and great, whether in ancient or modern times, may not inaptly be quoted, and, with some justification, fittingly applied :

"What are our woes and sufferance? Come and see
The cypress, hear the owl, and plod your way
O'er steps of broken thrones and temples. Ye!
Whose agonies are evils of a day.
A world is at your feet as fragile as our clay.
Clonmacnoise of the Schools! there she stands
Childless and crownless, in her voiceless woe;
An empty urn within her withered hands,
Whose sacred dust was scattered long ago."

There is and must always be an attractive and sympathetic power about this venerable ruin, studded as it is with so many memorials of renowned men, and monuments of the praises of God, which once resounded through its lonely walls. And so I propose to give in this paper a brief sketch of the origin of Clonmacnoise, and afterwards to notice some of the leading men and events connected

with the history of this sacred spot. In doing so I do not put forward any pretence to originality. I do not propose or pretend to produce *nova*, and anxious though I should be to bring forth the *vetera novè*, I have not any well-founded hope of doing so.

This ground has been already gone over by many distinguished and gifted writers, who, having made a judicious collection of historical facts, clothed them in a garb too attractive and fascinating for me to hope for a moment to successfully imitate. In one thing, however, I will not place myself second to any writer, be he never so gifted, and that is love and veneration for Clonmacnoise and all the goodness this word embodies and recalls. Reverentially saluting thee, O Clonmacnoise, of so many saints and doctors, kings and nobles, I ask then what is the meaning of thy name and the origin of thy greatness.

It may be observed in the beginning that Clonmacnoise was known by several names. It was called Druim-Tipraid, "the hill in the centre," or the hill of Tipraid. The reason appears to be that in 779 the king of Connaught was called Tipraid. In 927 the ruling Abbot at Clonmacnoise was also called Tipraid. So far then for the application of this word to the sacred spot. It was also called Dunkeranensis, the enclosed place of Kieran and Killoon, or the Church of the Graves. It was called Artibra too, that is of "the Wells." The holy wells are still to be seen, bearing the names of St. Kieran and St. Finnian. In the later annals, however, it is usually written Cluainmicnois. Now Cluainmicnois, according to Seward and others, signifies the "Retreat of the Sons of the Nobles." This name it received in their opinion either because the nobles retired to it in their old age, to spend the remainder of their days in peace and solitude; or because it was a burying place for most of the Irish kings and chieftains. Joyce, however, holds a different opinion. He maintains that it signifies the meadow of the Son of Nos. In the original name the last two syllables are in the genitive singular and not in the genitive plural, and must therefore be taken to mean the name of a person. Joyce claims the Four Masters as supporters of this view. At 1461 they call this place Cluain-muc-nois-mic-Fiadhaigh. From this it would appear Nos was the son of Fiadhiagn, who was chief of a tribe in that part of King's Co., and that Clonmacnoise was within his territory. Joyce also quotes Colgan and a still higher and older authority than any yet cited, namely, the

Cartsruhe MS. of Zeuss, to support this view of the origin and meaning of the name.

Whatever may be said for or against either of these opinions, there is no controversy about the name of the founder of this old Abbey of such amazing splendour, wealth, and learning. Ciaran was the name. He was called St. Ciaran the younger to distinguish him from another great and holy man bearing the same name—Ciaran of Saiger Ossory. Ciaran the younger was of northern extraction. His father, who was a carpenter, left Ulster and settled in Magh Ai in the county Roscommon. Here Ciaran was born in the year 516. Brennan, in his Ecclesiastical History, states that Ciaran, although of Ulster extraction, was born in Westmeath in the year 507. But Eugene O'Curry and Archdall, whose opinion I prefer, declare him to have been born in Roscommon A.D. 516. He was the son of Boetius and Dasercha. He was also called Macantsoir, or the son of the carpenter. He was educated at the great College of Clonard which was presided over, at that time, by St. Finnian, who in his day shone as the sun of our educational horizon. Having finished his educational course there, he went to the monastery of St. Nennidius, in one of the islands of Lough Erne. He afterwards repaired to the island of Arran on the coast of Clare, where he placed himself under the guidance of St. Enda, whose rule was at that time considered the most rigorous in Ireland.

Here he perfected himself in the knowlege and spirit of monastic rule and discipline, together with their observance.

After some time he returned to Westmeath, the county of his collegiate education. Here he was presented by a friendly chieftain with a spot of ground to build a church upon. The place was, however, low, and hence the church was afterwards known by the name of "Ciaran's low place," or "Isael Chiarain." After some time he handed over the government of this church to one of his tried and trusted disciples, and he retired for purposes of greater solitude into the island of Inisaingin in Lough Ree. Here he founded a monastery and built a church. The temporal as well as the spiritual wants of the poor were amongst the noble objects contemplated by this great man in its foundation. Through his indomitable energy and extraordinary influence, and the benevolence of some of his devoted friends and followers, this monastery became in a

few years fully adequate to meet all the purposes originally contemplated by its apostolic founder. Nay, more, the fame of his sanctity, wisdom, and learning, attracted such a number of followers and disciples that the limits of the island were deemed insufficient for their accommodation, and therefore he resolved to resign the government of this monastery and go further south. Accordingly he handed over this flourishing Abbey to his trusted and beloved disciple, St. Domnan, or Donan, and left the island. For six hundred years and more it flourished as a centre of sanctity, learning, and other civilizing influences. It produced, amongst others, that great and learned man Augustin Macgraidin, author of a complete History of the Acts of Saints of Ireland and the Annals of this Monastery down to his own time.

But it is now a heap of ruins. It fell beneath those evil influences that were so powerfully united by the stranger against morality, religion, and learning.

In the year 548 St. Ciaran left this island of "All Saints," so beautifully and romantically situate in the midst of the waters of Lough Ree, and within the confines of the Diocese of Ardagh. It was the last year of the reign of Tuathal Mailgarbh, Monarch of Erin. This king was the third in descent from Nial of the nine hostages.

Diarmid, a young and powerful prince of the same race and of equal claims to the succession of Tara, was also a pretender to the throne. The new king, fearing the presence of so powerful a rival, ordered him to leave the territory of Meath. Diarmid, accompanied by a devoted band of followers, repaired to the Upper Shannon and there lived on the hospitality of his friends on both sides of the river. Thus did he spend his life for nine years, the period of his opponent's reign. About this time Ciaran and his devoted disciples came up from Athlone after quitting Lough Ree in boats, and landed at Clonmacnoise. Diarmid happened to be in the neighbourhood on the river, went on shore, and followed the strangers. Having reached the "Hill of the Wells" where St. Ciaran stopped, he approached and found the saint with a pole in his hand endeavouring to plant it as the first pole of a new church.

"What work is about being done here?" said Diarmid. "The erecting of a small church," said the saint. "Well indeed may that be its name," said Diarmid, "Eglais Beg," or "Little Church."

"Plant the pole with me," said the saint, "and let my hand be above your hand on it, and your hand and your sovereign sway shall be over the men of Erin before long." "How can that be," said Diarmid, "since Tuathal is monarch of Erin and I am exiled?"

"God is powerful for that," said Ciaran. They then set up the pole, and Diarmid made an offering of the place to God and St. Ciaran.

Diarmid had a foster-brother amongst his followers. His name was Maelmora. When he heard the saint's prophetic words he resolved to verify them. With this purpose he set out on horseback to Grellach Eilte, a place situate in the northern part of Westmeath, where he had heard the monarch was staying. By strategy he gained access to his presence and struck Tuathal in the breast with his spear and killed him. Needless to add, Maelmora himself fell immediately on the same spot, a victim on the one hand to his own devotion and heroism in the cause of his chieftain, and on the other hand, to the fidelity in discharge of duty of one of the monarch's bodyguard. As soon, however, as Diarmid's friends heard of the king's death, they sought him and proclaimed him Monarch of Erin. Here one may reflect upon what Seneca has written, Oct. 456: "*Ferrum tuetur principem. Sed, melius fides.*" Yes, the highest authority has said, "*Fides tua te salvum fecit.*" It has been beautifully written also:

"What sword or power equal to this?
And he that has that is clad in complete steel,
And like a quivered nymph with arrows keen
May trace huge forests and unharbored heaths,
Infamous hills and sandy perilous wilds."

Romantic and fanciful as this account of the origin of Clonmacnoise may at first sight appear, there are not wanting historical proofs amply sufficient to convince the most sceptical of its veracity.

In the next paper, however, we shall see.

JOHN CANON MONAHAN, D.D.

THEOLOGICAL QUESTIONS.

ESPOUSALS.

[The following paper has been kindly sent to us in reply to a request addressed in the last number of the RECORD to priests of missionary experience, with a view of eliciting information on the manners and customs of the people in contracting espousals (*sponsalia*). We are very thankful for the valuable and practical information contained in the paper, and we trust the writer will often give the readers of the RECORD some of the fruits of his long and varied experience. Much of the ground marked out by us for survey has, we find, been pre-occupied by our correspondent, so that little more now remains for us to do than to give some supplementary Notes on the different questions proposed for solution in our last number under the head of "Espousals." This we purpose to do at the end of the subjoined paper.—ED. I. E. R.]

DE SPONSALIBUS.

I. It is clear from the common teaching of theologians, that, not only the solemn espousals also called ecclesiastical (*sponsalia solemnia*), but even *private* (*sponsalia non solemnia seu privata*), constitute a *true contract*, in virtue of which the "espoused" are bound, *sub gravi ex justitia*, to a future marriage, provided such espousals satisfy the required conditions, namely, that they consist of:—

1. A sincere mutual promise of future marriage, deliberate enough for a *direct* mortal sin in any other *materia peccati*;
2. Expressed in some sensible way (*per verba inequivoca vel signa*);

And 3. Between persons who *de jure* are considered fit or capable (*habiles*) for the same. (*Vide* Gury (Ballerini) Tom. II. de Mat., No. 723, I. and II. Also *Note (a)* *ibidem*, No. 726, I., II., and III).

So far, little difficulty presents itself; and what little does, is easily overcome by the ordinary explanations of theologians on this subject. Again, as solemn or ecclesiastical espousals may be said to have almost entirely fallen out of fashion, it is only with the *sponsalia privata seu non solemnia* that we have practically to deal.

And here, at once, a considerable difficulty arises; for Theology tells us that, in many cases, the promises made of future marriage are not always to be looked upon as *true and binding espousals*.—(Ibidem, No. 725, Quaer. 4.)

II. The *nodus difficultatis*, then, is to know when a *simple promise* really constitutes *vera sponsalia*. We know it *should be* vested with the *three* conditions referred to above, and yet it is often hard to determine whether *in foro interno* it truly is. This is the main object of this paper.

Now, it seems to me, we shall greatly facilitate a solution of the difficulty, or, at least, be better prepared to form a judgment in a general way—ay, more—even to decide with more satisfaction a great many *individual* cases—if we recall and consider the *different and varied forms* in which engagements to marry are entered into by young people. Some of these will be found to be, in a great measure, local customs, differing from one another in different places or countries, and requiring a rather wide experience to arrive at. In this brief paper I do not for a moment pretend to give them all, even if I could; but I shall content myself with presenting the more *ordinary* ones, which I will at once classify under *three* heads:—

1. *The mutual promise of marriage, accompanied or followed by an engaged ring;*
2. *The “hand-and-word” promise, sometimes called the promise on oath;*
3. *The mutual promise pure and simple, i.e., unaccompanied by any other sensible sign.*

III.—1. *The Promise accompanied or followed by an Engaged Ring.*

I have used the words “accompanied or followed by” what is called the engaged ring, and I have used them advisedly. For, while in some cases the engaged ring is given to the sponsa by the sponsus *at the very time* they mutually agree to bind themselves to one another for future marriage; in many more cases the ring is not given and worn until a *short time* before the celebration of the nuptials.

This giving of a broad, flat, and generally chased gold or silver ring, to be worn as a sign of an engagement to marry, seems to be of very ancient date, and a practice by no means confined to our own country. It is a rather universal custom, and, though not an essential sign of true

espousals, it is nevertheless a sure mark that the wearer is engaged to be married. In my humble opinion, I consider that, whenever the engaged ring is offered by the *sponsus* and accepted by the *sponsa*, in token of their mutual promise, *de matrimonio futuro*, we have a case of *binding sponsalia privata*, provided, of course, the other necessary conditions, alluded to in the opening of this paper, are duly verified.

The tradition and wearing of a ring is confined, for the most part, to persons of either well-to-do or high positions in life, *i.e.*, to the middle and upper classes of society. Nevertheless, even in Ireland, servants are from time to time seen with the engaged ring upon the finger. Sometimes it is worn *for years* before marriage, aye, even to ridiculously long periods (especially in England.) More frequently it is not adopted till shortly before the marriage, say, three, six, or nine months (especially in Ireland.) The Irish maiden is generally shrewd enough to foresee that, if by some accidental circumstance, an impediment should arise to her marriage, she would considerably compromise herself by having been seen to wear the engaged ring.

Permit me to remark, *en passant*, that an interchange of *loquets* is also sometimes used *in the place of the engaged ring*, and (though not so infallibly) the locket containing the likeness or hair of the betrothed is often a sign of true espousals. In this sense I see no reason for not viewing the locket in much the same light as the engaged ring, though by no means so sure or infallible a sign.

II.—The “Hand-and-Word” Promise.

Another custom prevailing, particularly amongst the humbler classes, is what is called “the hand-and-word promise.”

Young people, wishing to betroth themselves to each other, will take one another’s right hand, kiss a prayer-book, and mutually promise to marry each other. They look upon this promise as a *binding oath or vow*, and from the form of its ceremony it is appropriately called “the hand-and-word promise.”

Moreover, it is sometimes had recourse to in those cases where opposition is anticipated or shown by their parents to the desired marriage. True love seldom runs smooth, and, in the troubled waters of the parents’ creating (justly or unjustly is extra questionem for the present purpose),

the young lovers seek balm and peace to their ardent passion by resorting to this form of betrothal.

I have no hesitation in looking upon the "hand-and-word promise" as binding, and as truly significant of true espousals as the tradition of the engaged ring.

This form of betrothal is in vogue in several parts of Ireland, but I do not think it prevails, at any rate, as a custom, outside Ireland.

So far, then, we seem to have brought our difficulty within narrower limits, for we may conclude that, as a general rule, the mutual promise accompanied with an engaged ring, and the "hand-and-word promise" constitute *vera validaque sponsalia, etiamsi privata*, always supposing, of course, the other conditions realised.

III.—*The Promise Pure and Simple.*

To decide when the simple mutual promise carries with it *ex justitia* and *sub gravi* the obligation of future marriage, is the climax of the difficulty in this practical question.

While some theologians hold that such promises are often not to be regarded as *vera sponsalia* (Gury de Spons. No 725, quaer. 4), I do not think they mean to convey that there is any reason for denying that, *in many cases*, the simple promise equally binds with the other more complex forms we have been considering.

A simple promise, though not *solemn* in the accepted signification of theologians when speaking on espousals, may be, and often is, solemn enough, when viewed *in se*, or in the mind of those who make it. For why should not the deliberation sufficient for a vow be also enough to contract a grave obligation in persons able to see and understand the solemn and responsible nature of matrimony? Provided the parties are *habiles* (Gury, *Ibid.* No. 723, note (a) of Ballerini), and mutually, seriously, and with sufficient deliberation make their promise, surely we have all that can be rigorously needed for the contract of espousals.

Hence, allowing with Gury (*Ibid.* No. 725, quaer. 4) that simple promises are often mere resolutions devoid of a binding force *sub gravi*; nevertheless, if upon examination into the circumstances it is *morally certain* that the promise was vested with the three necessary conditions, there seems to me no logical reason why it should not be looked upon and treated *in foro interno* as well as *in foro externo*, as constituting *vera sponsalia*.

Of course, in a matter which depends so much upon the state of the mind, or, in other words, upon the intention at the time of such promises: and, consequently, in which each individual case must be decided on its own merits—it could not be expected that theologians would lay down any precise and fast rule. I should be equally presumptuous if I attempted to do so in this paper.

However, it may be useful to conclude these rough notes with some remarks, which possibly may serve as *guides* or *helps* in examining individual cases.

IV. For instance, it should be remembered that, in Ireland at least, as a general rule, the Irish maiden is *slow* to make any binding promise, until she has well considered the matter over—studied its *pros* and *cons*—and decided to accept the young man for her future husband. If she has the “simplicity of the dove,” so characteristic of the Celtic virgin, she is also not without the prudence of that other more sapient animal; and with this wisdom, she may suffer herself to be *courted* for a long time without binding herself precipitately. In this she seems to have learnt intuitively “*to make haste slowly*.”

I say, as a general rule, because, of course, there are exceptions. It is well, however, to keep this fact in view.

Again, even when the promise is given, if *before* the consent of her parents has been asked or obtained, such a promise is mostly but a *conditional* one (though the condition be not expressed), to be ratified, as it were, when the consent of the parents is granted. Hence, we often meet with cases where young persons, who were courting for some time, scruple not to separate and “go their way,” should the consent of the parents be refused.

On the other hand, we find prevailing amongst the “farming” class, in many parts of Ireland, a courtship so distant—especially before the parents have consented—that it can hardly be termed courtship at all. However, it is sufficient to enable the observant to perceive that some unusual attentions are being paid to the young girl. In such cases we have an absence of *any promise*. In these country places the inhabitants all know one another, and when they meet, converse familiarly with each other. When a young man seeks in marriage a farmer's daughter whom he is wont to meet at chapel, and sometimes at social gatherings, he pays a visit to her parents—even *before any mutual promise* exists between the lovers—and thereupon, if the parents are agreeable, the young woman

may be called in to express her wish, or the hopeful may be told to call again in a few days for a final answer. If he be accepted, then *the acceptance, accompanied with only a simple promise*, would seem to me a binding one. Indeed, in these cases the marriage generally quickly follows.

V. Finally, *omnibus pensatis*, it will often happen that the confessor is at a loss to decide whether the promise has resulted in vera sponsalia. Here we have *sponsalia dubia*.

In that case of oft-times happy refuge, the confessor may make an equally happy escape, both for his own conscience and for his penitent. For I should consider, *salva meliori sententiâ*, the decision is to be IN FAVOREM LIBERTATIS (Gury Ibid. No. 723, IV., note (a) Ballerini).

“Putaverim, faciendum esse discrimen inter sponsalia et matrimonium; ita ut qui in *dubio aequali* dubitant, num matrimonium sit contractum, cogendi sint in utroque foro contrahentes, ne forte fiat injuria sacramento per dissolutionem matrimonii: quando vero *dubitatur*, num sponsalia valida sint, in *utroque foro* indicandos esse *liberos*; quia si quis tunc invitus cogeretur, fieret ei injuria *per spoliationem libertatis*, quam possidet.” (Diana, Tom. II. Trac. 6, Res. 135, No. 4.)

It might be reasonably asked here, what about the gifts or presents that lovers often interchange? They do not seem to help us much in doubtful cases, inasmuch as they are as often the mere signs of love (*signa amoris*) as they are *signa sponsalitia*. In true espousals they seem often *confirmatory* of the contract, though, here again, they may be but mere *signa dilectionis*.

From these foregoing remarks, the reader will easily conclude that I hold *private espousals as valid and as equally entailing the impedimentum impediens seu prohibens* for a marriage with any other than the one to whom he or she is affianced, whenever the conditions required are realised (Gury, Ib. No. 726, II.), and an *impedimentum dirimens*, i.e., *publicae honestatis*, in the case of blood relations in gradu primo. (Gury, Ibid. III.)

Obs.—The other questions *de sponsalibus*, suggested by your esteemed correspondent of the October number, seem to me to offer less difficulty, as they are treated in most of our handbooks on Theology. But there is another question of still graver importance than any we have been considering, which is closely connected with espousals. I submit it in the form of a case, hoping the Editor will find time to treat it himself.

E. A. S.

SUPPLEMENTARY NOTES ON ESPOUSALS.

THE first question proposed in our last number under the head of Espousals, was as follows :—

“ What is a *promise* of marriage, and what are *espousals*, and in what do they differ one from another? ”

There is an observation made, after a somewhat homely fashion, by one who had much experience in deciding cases regarding espousals, to which it seems desirable to call attention before giving answers to any of the questions submitted for solution.

The observation is to this effect, that, in the matter of espousals, before deciding any particular case, it is specially necessary to attend, not only to the *theory* which one may find laid down in the ordinary manuals of Theology or of Canon Law, but also to the *practice* of the Roman tribunals. After giving the decision of the Sacred Congregation on some recent case, the author to whom we refer adds :—

“ Ex hac causa dignoscitur discrimen quod non raro intercedit inter juris theoriam et praxim, seu juris applicationem ad factum. Pignus enim darem, omnes ferme qui tantum audiverint vel legerint simplicem theoriam quam auctores de sponsalibus tradunt, si hanc causam adjudicare deberent, pro existentia sponsalium sententiam laturos.”¹

In the spirit of this observation, we purpose, in answering the different questions proposed, to give, in the first place, the theory, more indeed for the orderly treatment of the questions, than for the purpose of giving any additional information to our readers; and, in the next place, to state how far the theory has to be interpreted or modified by the recognised practice of the Roman Congregations.

We are asked, then, 1st, to point out the difference between a *promise of marriage* and *espousals*.

The question might be briefly answered by saying that *espousals* necessarily involve a *promise of marriage*; but a promise of marriage does not necessarily involve espousals. Espousals, therefore, are much more restricted in meaning than a promise of marriage. A promise of marriage may be made so as to bind only one of the parties interested in the contract; and in such circumstances it is obvious it would not constitute espousals. For espousals it is necessary, not only that there should be a serious promise of

¹ Acta S. Sedis, vol. v., p. 82, not. 1.

marriage, which is fully deliberate and directly voluntary, but it is, moreover, required that the promise be reciprocal both in the offer and in the acceptance. Thus, for example, in espousals it is not sufficient that the *sponsus* should make to the *sponsa* a serious, deliberate, and directly voluntary promise of marriage, and that the *sponsa* should accept the promise, but it is necessary, furthermore, that the *sponsa* should pledge herself, in the self-same manner, to the *sponsus*.

In a word, the promise of marriage required for espousals must be, as the theologians express it, not a *gratuitous*, but an *onerous* contract, which will bind both parties equally "ideoque in sponsalibus duplex est promissio, duplex acceptatio, duplex contractus; isque onerosus." (Van De Burgt. De Sponsal. n. 331.)

This, then, is the theory which looks simple enough, but which is not quite so simple as it looks. For, in order to understand its meaning fully, we have to determine, 1st, what constitutes a *promise* of marriage as contra-distinguished from the expression of a mere *purpose*, wish, or intention, of future marriage; 2nd, how does a *gratuitous* differ from an *onerous* promise of marriage; 3rd, how far the acceptance of the promise by the *sponsa* is to be regarded as equivalent to a reciprocal promise; 4th, how far the consent of the parties may be influenced by *error*, *dolus*, or *metus*; 5th, how far the sponsalia entered into by parents on behalf of their children are binding on the latter.

These are points which, though in themselves important and practical, are, with the exception of the first and second, not necessary for our present inquiry, and in a short paper it is only necessary questions that can be considered.

We may take it for granted, then, that, as regards the first point, the essential difference between a *promise* and a mere *purpose* (propositum), wish, or intention, is, that the person who makes a promise *intends* to take on himself an *obligation* (either of *fidelity* or of *justice*), by which he was not bound before the promise was made. While a person who gives expression to a mere purpose, wish, or intention, does not *intend* to take on himself any additional *obligation*. It is true that the violation of a good resolution, deliberately made, involves a man in the imputation of a want of constancy and perseverance, and may often be connected with a very serious moral fault; but then this follows, not from the *intention* of the person who formed the good purpose, but rather contrary to his intention and from the very

nature of his inconstancy. “Itaque *proponens* non se *intendit* de novo ligare; qui vero *promittit* intendit sibi novum aliquod vinculum injicere [sive fidelitatis sive justitiæ] ad rem promissam faciendam. Dixi autem proponentem non *intendere* sibi novam obligationem aut turpitudinem adjicere ne a proposito deficiat; non enim nego, quod ex ipsa violatione propositi boni, consequi possit aliqua turpitudine quæ non esset si propositum non præcessisset . . . hanc tamen turpitudinem non *intendit* sibi injicere qui *proponit* si deficiat, sed consequitur ex natura rei etiam præter, et contra ejus intentionem. Promissio autem affert obligationem et turpitudinem, ad quam promittens *vult* se obligare, si a promissione deficiat, *per quod differt maxime a simplici proposito.*” (De Lugo, D. xxiii., s. I.)

Here, then, is a practical means by which we may distinguish, in cases of doubt, whether a *promise* of marriage took place, or whether there was uttered merely an expression of a *purpose*, wish, or intention of getting married at some future time to a particular person.

But, 2nd, supposing that a real *promise* of marriage took place, before we pronounce that such a promise constitutes espousals, we must look closer to the action of the parties concerned.

We know that promises may, in the language of the schools, be either *gratuitous* or *onerous*, i.e., with or without *reciprocal* obligations. A promise of marriage is presumed to be an *onerous* contract. Indeed, the promise made by one party *usually* contains the implied condition of reciprocity. If in a particular case it appears, after a promise of marriage has been made by one of the parties, that the other did not intend to make a corresponding promise in return, then neither of the parties is bound by any obligation, inasmuch as the implied condition has not been fulfilled.

But if one of the parties knowingly makes a promise of marriage, *gratuitously*, which is accepted by the other, then he or she will be bound not by *espousals* but by the *gratuitous promise* of future marriage. Such a promise in ordinary cases and in the absence of an express intention to the contrary will bind *per se*, only *sub levi* and *ex fidelitate*, not *ex justitia*. Neither will such a promise produce any recognised *canonical* impediment. The obligation of the Natural Law will require the fulfilment of the gratuitous promise, and therefore will forbid marriage with any other except with the person to whom the promise was

made. But we are not aware that the Church has added any special sanction of her own, to the sanction of the Natural Law, in case of gratuitous promises, as she has in case of espousals. "Refert autem multum an promissio haec obliget vi sponsalium, an vi simplicis promissionis, cum priori casu oriatur impedimentum publicae honestatis, posteriori autem minime. Dices autem quando censebitur per modum contractus et quando gratis promittere? R. promittentis intentioni standum esse; quod si de ea minime constet ex conjecturis desumptis ex antecedentibus deprehendetur. Si enim de matrimonio inter eos contrahendo tractabatur, manifestum est promissionem non esse gratuitam; si autem de hoc nullatenus sermo erat, sed ob aliquod beneficium acceptum . . . promisit, censeatur ex gratitudine . . . et non per modum contractus respectivi; in dubio autem censeatur juxta sponsalium naturam quae est contractus mutuus et respectivus promittere; quare altero non promittente minime tenebitur."—Sanchez, Lib. 1. De Sponsal. d. 5, n. 8.

We are now in a position to answer categorically the first two questions proposed by our correspondent.

I. Q. What is a promise of marriage, and what are espousals, and in what do they differ one from the other?

A. A promise of marriage may be either a *gratuitous* or an *onerous* contract; whereas espousals necessarily require the existence of an onerous contract. They differ therefore in the matter of *reciprocity*.

II. Q. Being both matrimonial impediments, in what way and to what extent do their respective effects reach as such?

A. The matrimonial impediment which springs from espousals is twofold both in its *source* and in its *effects*. For 1st, it derives its sanction both from the Natural and from the Canon Law, and 2nd, it annuls some marriages, and all *sponsalia* contracted with a third party as long as the espousals last, while it renders all other marriages illicit.

The *natural* impediment which results from a gratuitous promise has a prohibitive, but no annulling effect on future marriages. Again espousals bind *ex justitia*, as is commonly held, and *sub gravi*, but a gratuitous promise binds *ex fidelitate* only, and *sub levi*, unless the person making it expressly intended to be bound *ex justitia* and therefore *sub gravi*.

We may now group together the third, fourth, fifth, and seventh questions, and brief answers will be sufficient.

These questions are:—

3rd, “Can the parties engaged either by espousals or promise, remit to each other such espousals or promise?” 4th, “In case of such remission do any effects yet remain to bar a future marriage, and what are these effects?” 5th, “If one of the parties die, what then, in either case of espousals or promise?” 7th, “In case of doubt, ought the doubt be resolved in favour of the espousals or against them?”

(a) First in regard to espousals—if entered into by persons both of whom have attained the age of puberty, and if unconfirmed by an oath taken more with a view of promoting God’s honour, than the temporal interests of the espoused, there can be no practical doubt that the espousals may be remitted by mutual agreement. This remission is subject to the same conditions as are required for the validity of the espousals. It must therefore be seriously intended on both sides. It must be fully deliberate, it must be mutually voluntary. “Per mutuum et liberum consensum solvuntur sponsalia inter puberes Cap. l. de sponsal. et matrim. . . . Causa sponsalium est mutuus et liber consensus, ideoque exposita regula (omnis res, per quascumque causas nascitur, per eandem dissolvitur) per mutuum et liberum consensum dirimi possunt. Opinatur S. Lig. n. 855, per mutuum consensum non *licite* dissolvi sponsalia, nisi rationabilis causa interveniat. Sed talis ordinarie adest. Insuper, quod rei caput est, regula Juris non requirit aliquam causam, et plures auctores causam non exigunt.” (Van de Burgt. De Sponsal. n. 346.)

Even when the espousals have been confirmed by an oath taken principally with a view to promoting God’s honour by the future marriage, it seems more probable that the espousals may still be dissolved by mutual consent. “Controversia in illo est, utrum jurata sponsalia consensu mutuo dissolvi possint, quando juramentum non modo in confirmationem sponsalium, sed principaliter, ut aiunt, in honorem Dei emissum est, veluti si quis intuitu et amore Dei, pauperi puellae jurat se eam in matrimonium ducturum. Communior sententia docet, horum quoque sponsalium dissolutionem voluntate contrahentium fieri recte posse.” (Card. Soglia, De Sponsal. § 148.)

The case of the espousals of *impuberes* is not very practical, and presents no special difficulty.

(b) In case of the remission of the espousals owing to the mutual consent of the parties, or to the death of one of them, the *prohibent* impediment disappears, but the *deriment* impediment remains in full force. “Impedimentum

istud [impedimentum publicae honestatis ex sponsalibus ortum] etiam dissolutis, mutuo consensu, vel alio modo sponsalibus, nequaquam tollitur, ut patet ex declarat. Cong. C. 6 Julii a. 1658, quam sub 10 ejusd. mens. Alexander VII., approbavit, jussitque in dubium deinceps non amplius revocari.¹ (Heiss De Matt. § 41, n. 5.)

(c) When a doubt occurs regarding the existence of the espousals, no matter from what source the doubt proceeds, provided that the doubt be well founded, it should be decided in *foro externo* in favour of the party who may wish to be free from the obligation of the espousals. This principle is repeated over and over again in the summary of cases which appears in the different Vols. of the *Acta S. Sedis*. It will be sufficient to quote one authority on the point. "Quaeritur quid dicendum de dubiis sponsalibus; R. Dubium supervenire potest sponsalibus triplici modo, (1) quando illa ab initio ex aliquo defectu naturali, dificiente scilicet libero consensu propter errorem vel vim vel metum aut aetate nondum completa, dubio obnoxia sunt, (2) quando altera pars negat, altera affirmat illa esse inita; (3) quando de causis juxta canones ad dissolvenda sponsalia requisitis non satis constat . . . In his tribus casibus si nullo modo certitudo obtineri potest, judices ecclesiastici meminerint, in dubio pro libertate a sponsalibus vel pro eorum dissolutione sententiam esse ferendam, ob eam singularem rationem quod cum matrimonia debeant esse libera, pars repudians monenda est potius quam cogenda, cum '*coactiones difficiles soleant exitus frequenter habere.*' Insuper notandum est, si controversia de initis sponsalibus ad judicem deferatur, partem affirmantem onus probandi habere, et quidem per testes omni exceptione majores, quibus deficientibus, juxta canones, nunquam tamen causam dicenti juramentum ad probationem deferendum esse." (Heiss De Matt. t. 15, Q. 6.)

We have now arrived at the last question proposed, namely:—

"Are private espousals valid, so as to entail an annulling impediment equally as public espousals in Ritual form?"

In reply to this question we may consider (1) the general law of the Church applicable to the question, or (2) the effect of local custom, or (3) the consequence of an episcopal prohibition.

¹ Vid. Fagnan (in cap. *ad audient.* 4, tit. 1. n. 29). Ben. XIV., cit. quaest. can. 291. Sanchez, l. 7, d. 68, n. 21. Mansella, De Imped. Mat. p. 74.

The general law of the Church and the consequence of an episcopal prohibition are plain enough. For it is obvious that clandestine espousals, unlike clandestine marriages, are *not* prohibited by any general law of the Church. "*Solemnia sponsalium jure canonico nulla sunt, ideo sponsalia inita vel ore tenus, et remotis arbitris, et valida, et licita sunt* (D'Annibale, *De Sponsal.* cap. i. Art. 3). After deciding the question regarding the *validity* of clandestine espousals in the affirmative, Sanchez (*De Sponsal.* D. xiii., n. 1) proposes the further inquiry:—"An saltem culpa sit, sponsalia clandestina contrahere?" And in reply he states: "*Secunda sententia omnino tenenda docet esse licita. Probatur quia nullo jure prohibentur,*" &c. This decision is in accordance with the doctrine laid down by Benedict XIV., both in his *Instit.* 46, n. 12, and in the *De Synodo*, Lib. xii., cap. v., n. 1, to which we shall have occasion to refer again. It is also in accordance with more than one decision of the Roman Congregations regarding private or clandestine espousals.

It is obvious therefore that there is no general law prohibiting clandestine sponsalia, much less rendering them invalid. It is equally clear from Decisions of the Congregation of the Council that a Bishop could not annul clandestine espousals in his Diocese. Benedict XIV. (*loc. cit.*) mentions that a certain Archbishop was requested to put a stop to grave abuses connected with private espousals, by passing a synodical decree declaring such espousals null and void. The Archbishop regarded such a decree as in excess of his powers, and accordingly refused to entertain the proposal. Benedict XIV., adds: "*Actum est de hac re in Sacra Congregatione Concilii, quae Archiepiscopi sententiam approbavit, ejusque commendavit consilium: siquidem Tridentinum in citato decreto nihil innovavit circa sponsalia, eaque reliquit sub dispositione Juris communis, juxta quod, etiam remotis arbitris, valide contrahuntur.*"

On the other hand the Sacred Congregation has uniformly set aside diocesan decrees which declared "*sponsalia in posterum non recipi, nisi ex Parochi fide probarentur,*" and directed, as on the 27th of June, 1863, 8th July, 1865, "ut moneatur Curia episcopalis de nullitate legis edictalis dicti 4 Februarii, 1857, super necessitate presentiae Parochi et testium pro validitate sponsalium."

It only remains for us now to consider what effect local custom legitimately introduced, may have on the

validity of clandestine espousals. A local custom of contracting espousals in presence of the Parish Priest and two witnesses, would (1) certainly be a legitimate one; (2) it should be observed wherever it exists; but (3) the non-observance of it would not have the effect of annulling clandestine espousals. “*Si quae autem alicubi moribus sint introducta servanda erunt, si quid opinor. Sed utrum, eis praetermissis, sponsalia nihilominus valeant? Et valere puto, prout clandestina matrimonia ante Concil. Tridentinum, et hodie his locis quibus non viget: nisi aliud obtineat.*” (D’Annibale, De Sponsal. c. 1. n. 385.)

We have reserved for the last place the question which presents most difficulty, namely, the means of determining a “technical form of espousals to be realised at least *substantially* in what takes place between parties intending marriage, so as to form a practical rule of guidance for a priest in the public ministry, who has so often to distinguish between *promises* and *espousals*.”

In arriving at a practical conclusion regarding the meaning and effect of any form used by young persons contemplating marriage, the following considerations, in addition to those very practical observations made in the preceding paper, may be useful:—

1. That no set form of words is required to contract espousals.

2. That *any* form of words will be sufficient if they serve to express the mutual consent of the contracting parties.

3. That when the form used is doubtful, the case is to be decided, as far as the forum *internum* is concerned, by the *intention* of the parties if that intention can be ascertained, and by the ordinary acceptance of the words employed, as far as the forum *externum* is concerned.

4. That words indicating a mere *wish*, *desire*, or *intention* of contracting marriage with another at a future time, without the addition of a binding *promise*, do not constitute espousals.

5. That even a binding *promise* on one side does not necessarily involve the *reciprocal* promise which is needed for espousals.

6. That the espousals entered into by *parents* on behalf of their children are binding on the children in foro *externo* if the children do not express *dissent*, and in foro *interno* if the children give their *consent* to the espousals contracted for them by their parents.

7. That in one case, namely, when carnal intercourse accompanies or follows the acceptance by the woman of the promise made by the man, such acceptance is regarded in foro *externo* as equivalent to a reciprocal promise.

The reason is briefly stated by Reiffenstuel (Ius. Canon. ad lib. 4 decretal. de Sponsal. et Matr. 5, n. 68.), "Quia honesta puella non censetur praeberere usum corporis nisi suo sponso."

And the editor of the Acta S. Sedis in giving his own conclusions from a decision published in a late number of that useful periodical says:—"Quamvis communiter sponsalium contractus verus non censeatur, si una tantum pars promittit; dari tamen potest casus, in quo acceptatio haec repromissioni aequivaleat, si mulier v.g. quae honesta sit, in tantum sui dedecus inducatur, ut post acceptationem promissionis, deflorationem patiatur." . . . "Quam jurisprudentiam pluries sequutam fuisse S.S.C. colliges ex vol. I., p. 55, et 342, vol. II., pag. 147, vol. III., pag. 304." Acta S. Sedis, vol. xv., Fascic. II., p. 70, not. I.)

Finally, we may in this context reply to a question proposed by E. A. S. regarding the effect of *copula carnalis* following espousals in a country in which clandestine marriages are valid owing to the non-publication of the Decree *Tametsi*. Such carnal intercourse is sufficient to convert the espousals into a marriage contract, *si animo conjugali habita fuerit copula*. We must, therefore, distinguish between the forum *externum* and the forum *internum*. In foro *externo* there is such a strong presumption in favour of the marriage created by the occurrence of the *copula carnalis* that no subsequent proof can displace that presumption.

Nor, indeed, was it allowed in the old judicial proceedings to attempt to set aside this presumption which is known by the special name of *praesumptio juris et de jure*.

"Estque praesumptio ista *juris et de jure*, h. eis omnino certa et indubitata, contra quam non admittitur probatio, consequenter, ubi hoc jus antiquum viget, non audiretur sponsus asserens, se sponsam non maritali, sed fornicario solum affectu cognovisse, et si matrimonium contraheret postea cum alia, compelleretur ad hanc deserendam et adhaerendum primae."—Heiss De Sponsal. sec. 16, n. II.)

In foro *interno* the decision would depend on the intention of the parties. As marriage is a contract, and as a contract requires the *consensus duorum in idem placitum*, it is obvious that there would be no marriage, unless the parties

intended marriage by the copula carnalis. "Habet tamen praesumptio ista locum solum in foro externo, non vero interno conscientiae; nam in hoc judicatur secundum rei veritatem, et non secundum praesumptiones, si his aliud quid praesumatur, quam habet rei veritas. Hinc si sponsus sponsam veram non maritali, sed fornicario affectu cognovit, in foro poenitentiali, et coram Deo, non esset matrimonium, quia Papa non potest facere, ut sine consensu expresso vel tacito sit verum matrimonium.

"Videatur tamen talis conscientia obligatus esset ut eam in legitimam uxorem accipiat, non solum ratione fidei in sponsalibus datae, sed etiam, quia cogetur in foro externo cum ea cohabitare, quod sine periculo laesionis conscientiae nequit." (Heiss loc. cit.)

ED. I. E. R.

CORRESPONDENCE.

I.

BONA INCERTA INJUSTE ACQUISITA.

VERY REV. DEAR SIR—I am sorely disappointed in finding that your contributor, C., has thought well of abandoning the method of disputation hitherto universally adopted by writers on questions of Theology and Church law, and declines to remove the difficulties that crop up from his own teaching, otherwise than by a "brief and concise" reference to the "article itself." One cannot help regretting that, while he ingenuously confesses that the "subject is not without difficulties," he refuses to "add further elucidation" of them.

Even under the apprehension, nevertheless, of being censured and sentenced as captious, or "rather rhetorical," I cannot conceal my surprise at reading your contributor's "matter-of-fact" statements as to "extrinsic authority," and marvelling at some of the deductions he draws from "positive ecclesiastical enactment, principles of reason, and natural and divine law." To one like myself, who can read merely on the surface, some of these seem so many novelties in theology.

Thus, for example, we are told that the possessor of *bona incerta* "besides the wrong done to the *dominus* . . . has done an injury to society, which can and ought to be repaired; that *THUS* society has a claim on the *GOODS* FROM COMMUTATIVE JUSTICE." "That Catholics are bound to apply them to religious and

charitable purposes by POSITIVE ECCLESIASTICAL LAW, ACCORDING TO THE UNANIMOUS TEACHING OF THEOLOGIANs," &c.

Leaving to another time, or to a more competent writer, the consideration of the elementary question, how far an obligation in commutative justice lies between society and any of the individuals who compose it, I will, with your permission, inquire whether or not there exists a positive ecclesiastical law dealing generally with *bona incerta injuste acquisita*. As to the absence of a unanimity of teaching amongst theologians on this point, it will, for the present, be enough to make reference to De Lugo, Disp. xx., s. 1, n. 3, by whom we are told that "*Vasques, Lessius et alii*," assert that "*debita incerta non sunt restituenda pauperibus vel in opera pia de jure naturae, sed ex lege humana*," while De Lugo himself adds: "*verius est . . . obligationem solvendi pauperibus debita incerta non esse ex jure humano*."

No one pretends that such a law exists *in terminis*; the most that any writer says is that the universally accepted legislation of Alexander III., *Cum tu, v. de usuris*, when duly and legitimately expanded, embraces them all. It is, however, objected by many that no such extension of the law *de usuris* is admissible—and for the following amongst other reasons:—

I. It is NEVER allowable in positive law to argue "*de casu in lege expresso in casum non expressum*."

1. "*Interpretationes (legis) extensivae nullam vim habent nisi legitime promulgentur; quippe eo ipso quod verbis legis non contineantur, jam sunt novae quaedam leges, atque adeo more legum promulgari debent*."—BALLERINI.

2. "*Argumentum a simili est fragile, leve ac infirmum, quoties vel parva dissimilitudo . . . potest assignari. Atqui, ut dici solet, argumentum sumptum a simili facile prosternitur, una adducta dissimilitudine*."—REIFF. 1, 2, 414.

3. "*Minime obligare dicendum, cum Salm, et aliis, si dubitetur an aliquod comprehendatur sub lege*."—HOM. APOST., p. 97.

4. "*Generaliter loquendo lex ad casum in ea non comprehensum extendi non debet ob similitudinem vel identitatem rationis; quia licet par, eadem aut etiam major ratio movere potuerit legislatorem ad statuendum in uno casu quod in alio simili statuit, non sequitur quod id de facto statuerit; potest enim legislator de uno disponere, non de alio, sive quia non vult, sive quia non expedit, ut omnia prohibeantur aut praecipiantur: unde tritum id axioma: 'In jure positivo non licet argumentari' a paritate rationis*."—COLLET de Leg. c. v., n. 5.

5. "*Leges poenales non complectuntur delicta quae non expriment, licet sint expressis graviora*."—BENEDICT. XIV. de Syn. D. 9. 6, 10.

6. "*Id nunquam permissum est, eo quod mens ac voluntas legislatoris sit veluti anima legis per verba tanquam sensibilem materiam indicata, a quibus (verbis) proinde sine necessitate*

recedendum non est, juxta . . . 'in re dubia melius est verbis servire,' et quod dixit Innocentius III., 'si canon idem fieri voluisset, poterat expressisse,' et quod Gloss, ait: 'intelliguntur concessa quae expresse non sunt prohibita.' Accedit magno argumento esse debere, quia legislator unum specialiter expressit, alia excludere voluisse . . . Neque ob eandem, vel parem, neque ob majorem rationem extensio legis a privato homine fieri potest. . . . Licet autem eadem, par, vel major ratio legislatorem merito movere potuisset ad idem pro aliis statuendum, potuit etiam non movisse . . . atque hanc ejus fuisse mentem in dubio praesumi debet quam ipsa verborum proprietas exprimit . . . In lege poenali, correctoria, exorbitante, aliisque odiosis, interpretatio ultra verborum proprietatem, ob rationis identitatem fieri non debet."—LAYMANN de Leg.

7. "Interpretatio doctrinalis, quae ab eruditis fit, de se nullam vim habet prouti nulla jurisperito competit auctoritas; sed tantum valet quantum rationes vel argumenta quae ad eam tuendam proferuntur . . . Ubi est sermo de dispositione quae commonstret novam obligationem vel ad culpam vel ad poenam, stricte interpretanda est. . . Voluntas legislatoris talis praesumitur qualem exhibent verba legis in suo contextu, secundum communem et obviam significationem vulgo acceptam eo tempore praesertim quo lex edita est . . . Non interna voluntas (est) quae legem facit, sed voluntas externata, id est, signis aut verbis manifestata . . . Historia temporum interpreti necessaria est, ut tuto valeat sensum legum vel canonum determinare, siquidem nulla lex a priore et in abstracto apud homines facta est, sed omnes temporum circumstantiis latae sunt.—DE CAMILLIS, vol. i., pp. 135–42.

It would be easy to multiply the conclusive force of these texts by similar extracts from other writers of acknowledged pre-eminence in theology and canon law; but those already cited prove abundantly that the "doctores graves et classici" of the Church strenuously reject the pretensions of the "Rule of Interpretation" that would extend the provisions of a positive law to cases outside its expressly defined province. Indeed, if we examine the teaching of any standard theological work, we shall easily cull by the hundred, instances in which this so-called canon of interpretation is remorselessly set aside. These instances obtrude themselves so unfailingly in the theology of practical life, that before the close of a short day's journey through positive law, the rule to which they are said to be exceptions will have been, like the conventional railway ticket, nipped into nothingness.

And this is not more true of the *odiosa* than of the *favorabilia*. For example: the Church, anxious to honour the mysteries of our Lady's life, grants a Plenary Indulgence on the feasts of her Purification and Annunciation: therefore we should expect, *a paritate rationis*, a similar privilege on the feasts of her Patronage and Seven Dolours. Yet no such privilege is granted. Again:

the eve of the Assumption is a fast day; but, notwithstanding a parity of motive, the faithful are not obliged to fast on the eve of the Purification. Or again; although the Indulgence of the feast day is obtainable within the seven days following the Feast of St. Patrick, the *Patron of the Irish Church*, no Indulgence is attached to the Feast of St. Joseph, the *Patron of the Universal Church*. And so on in countless cases within everybody's knowledge, a parity of motive does not carry with it, even in *favorabilibus*, a parity of legislation. We all remember the amusing illustrations by which, many golden years ago, the fallacy of the argument *a particulari ad universale* was made evident; and we cannot fail to see that the argument *a paritate rationis* can easily supply an ambiguity no less savoury.

Furthermore, theologians without a single exception repudiate this Rule when they come to deal formally with *odiosa*. They find a law prohibiting under severe penalties a certain act. They analyse its words by the hard-and-fast canons of critical exegesis. They find that these words, when so interpreted, describe to a nicety a distinct class of men; that side by side with these are other men most closely resembling them in all the minute lineaments by which ordinary observers recognise a most striking similarity; they find too that by the exercise of a superior and more highly educated diagnosis, they can discover some hidden peculiarity—some *parva dissimilitudo*—concealed from the eyes of common men, and, forthwith, they unhesitatingly assure us that the law does not equally effect all, but those alone to whom, simply of rigorous necessity, the words of the law are applicable. They disregard the *paritas rationis* that would render all equally *deserving* of the punishment; in many cases they disregard the more popular meaning of the words, and even the not improbable intention of the legislator. They jealously guard as a “preserve” (from which they warn off all intruders) the domain occupied by the *odiosa* and *favorabilia*, and leave no room for the application of the Golden Rule *a pari*, outside of matters purely shadowy and “adiaphorous.”

II. Theologians are unanimous in teaching that the extension of a law *de casu in casum* is under no circumstances admissible, unless there exists between them an *eadem adaequata ratio*. In this one point all agree—those who refuse to apply any law to cases not specifically mentioned in its wording, and those who claim the right of applying it wherever they find a parity of reason or, as others term it, an objective identity of motive. It is therefore a duty to inquire with care whether or not larceny, sheep-stealing, house-breaking, and the other ordinary crimes of theft supply the same strong motive—the *eadem adaequata ratio*—for legislation that usury supplies, and supply it in such a way that legislation dealing with it must be regarded as covering them all. If we fail to discover it, the whole argument falls to the ground: in its

absence there is no law, in its presence an exceedingly doubtful one.

Now, it requires no very profound study nor extensive reading of history to be convinced that legislators, both civil and ecclesiastical, ever regarded usury as a crime that stood forth boldly and defiantly from the ranks of its fellows, dwarfing by its huge and ponderous proportions all other species of dishonesty; inviting and extorting a legislation special to itself; always menacing and not unfrequently ruining the best interests of religion and society—while injustices of the ordinary classes might safely be dealt with by common law. As easily might we mistake Thersites for Ajax, as any petty theft for usury. Usury is a distinct entity *factus ad unguem*; the others seem, in its presence, gibbous, halting and contemptible. In any deftly drawn and truthful family picture of the Unjust Professions, usury holds the place of centre figure, distinguished from all the rest by its towering magnitude and power to work evil.

Usury exists in our own day under more reputable names; but there is no thoughtful, candid man who must not confess that, although the cut and fashioning of its habiliments are suited to the *mode* of the present day, it is in its substance and core the olden usury in a gayer dress. The “exigencies of commerce” have blotted out from our statute books the laws by which the civil power sought to stay its ravages, just as in France they were blotted out in the blood of the Great Revolution. But this is merely an admission of the empires that they were obliged to surrender to the power of the usurers. Yet, though these men are no longer amenable to the punishments of our law courts, the more genteel usurers of our day are no whit the less the *omnium peripsema adhuc* of the nations. There is no man of even moderate experience who cannot trace to the working of modern usury much of ruin to society and to religion. It is, as in the olden times, the *demon ubique grassans*, the *crimen cujus voragine pauperes deglutiuntur*. It is ever creating an artificial state of society that inevitably crumbles into ruin. It has, within the knowledge of us all, wrought bondage and banishment for thousands of young men whom it coaxed away from industry and modest competency into dreams of El Dorado, and mocked them scoffingly when they awoke to poverty and disgrace. It quenches the glowing hopes of many a household, haunts them with shapeless horrors, and marks its pathway with broken altars. Many a time it has transformed the homes of sunny, gladsome youth into scenes of locust-wasted desolation. “Money given too freely” has, in thousands of instances that occur every day, culminated in ruin and despair and buried hopes. We cannot close our eyes to the evidence of fact—that this “facility of getting money” (formerly called usury) has enabled the man of credit to out-bid and out-purchase the poor man; that it has drawn the poor man, in countless cases, into its

gaping "vorago" from which he can never emerge. It is a trite saying: "out of the money-lender's shop there is no redemption;" and experience forces us to admit that, under all its luring fascination, modern usury carries with it the unfailing seeds of utter destruction to the many. It makes no matter that it is now a recognised institution, and transacts its business in stately palaces rather than in the dingy, dark tumble-down booths of former times. Neither is the ruin it effects less poignant and galling from the fact that the stalls of the money-lender are no longer administered by "pinched, hideous, wrinkled, thin-lipped, scowling" officials, but by others in whom we recognise the education and deportment of gentlemen.

I am conscious that in writing thus I am laying myself open to the charge of being influenced by reactionary, obsolete and exploded notions; but I know that, unsavoury and unfashionable as my views are, they have the stamp of truth upon them.

Nevertheless, as it will suit my purpose just as well, I will assume that the above sketch more faithfully represents things that are past, and that all modern money transactions, in the form of lending and borrowing, are conducted in strict conformity with justice and equity. For, in this argument we have to do with a state of society coeval with the passing by the Church of the usury laws. Let us see how the Church and the world regarded usury *then*.

We are all familiar with the character of the usurer as drawn by Shakspeare; and we should not forget that the Stage, under the management of such a Master, is a truthful reflex of society.

The usurer is—

"A stony adversary, an inhuman wretch,
Uncapable of pity, void and empty
From any dram of mercy. * * *
You may as well go stand upon the beach,
And bid the main flood bate his usual height;
You may as well use question with the wolf
Why he hath made the ewe bleat for the lamb;
You may as well forbid the mountain pines
To wag their high tops, and to make no noise,
When they are fretted with the gusts of heaven;
You may as well do anything most hard
As seek to soften that (than which what's harder)
His Jewish heart —

No mortal can
No, not the hangman's axe, bear half the keenness
Of thy sharp envy . . . for thy desires
Are wolfish, bloody, starved, and ravenous."

But it is not in the hideous wickedness of usury, as confined to its single self, that we shall find its chief pre-eminence in criminality. It is ubiquitous. Wherever business relations have been established

among men, it is found in full operation. It is racy of every soil and finds votaries in every tribe and tongue. It was in full swing before history was written, and has grown with the growth of progress: it is, and has ever been, regarded as one of the resources of civilization. Under the Old Law it evoked the unsparring denunciations of the Prophets and Patriarchs, and under the New Law it has ever been in deadly conflict with the civil and the ecclesiastical powers. In every encounter it has been assailed in its own proper distinctive person, not as a *unit lost in a crowd of equals*, but as a prominent, singularly powerful, well-defined source of danger and destruction; it received on its own corslet every blow dealt against it and returned the blow with its own sinewy arm. It entered into no alliance with the other crimes; repudiated by them, it repudiated in return, and answered haughtily to the calling of its own name. Men would as easily miscall one empire by the name of another as speak of usury by the name of any other form of theft. In every people and in every age it gave patronage and encouragement, and promised "safe conduct" to the criminal. It enabled the nations to indulge all the jealousies and foolish rivalries and schemes of ambition and aggrandizement that have covered the land and sea with blood. Witness the National Debts and War Indemnities that have ever paralysed the industry, plundered the purses, and punished the pride of men. A large proportion of the taxes under which the industrious have ever been crushed, all the world over, forms a tribute paid to the demon of usury. War with all its ruthless lusts and horrors was at all times its gayest pastime, for "usurers dance merrily when the pistol plays the minuet." With all its insinuating dignity and witching grace, this spirit of "accommodation" has never failed to leave in its trail ruined fortunes, and broken hearts, and souls sadly imperilled.

Usury is infinitely unlike any other of the daughters of Injustice. It is an *occasio proxima in esse* for most men; they have but to will it, and, by its irrepressible ubiquity, it is at their door in all its conquering witchery. In the fascination of its treacherous attractiveness, it thrills along a chord that makes music in almost every man's heart. Man's merely human life is made up of moments of ambition, hope, despondency, benevolent tenderness, passionate wrath, or worse. In every phase of feeling it smiles upon him as the friend by whose "accommodating" aid he can gratify the passions of the moment. It is peerless in its travesty of benevolence; peerless as a temptation; and peerless in the wealth of calamitous legacy—the *damnosa haereditas*—it bequeaths.

Hence the Church, too, has ever been waging unrelenting war against it. In season and out of season it has been launching against it the thunder-bolts of unsparring denunciation and repressive laws and crushing punishments. This is a truth that he who runs may read for himself in all approved treatises on canon

law and theology. One short extract from the writings of Benedict XIV., will, in its comprehensive brevity, speak for all:

“Vix erit concilium provinciale invenire a quo non fuerint usurae expresse damnatae, easque exercentes saeverissimis paenis subjecti. Hunc eundem morem imitatae dioecesanæ synodi. presertim recentiores . . . specialem de usuris sermonem instituerunt easque iterum iterumque improbarunt . . . Omne lucrum ex mutuo usurarium atque OMNI JURE NATURALI, SCILICET, DIVINO ET ECCLESIASTICO ILLICITUM ESSE, PERPETUO FUT ET EST, CATHOLICAE ECCLESIAE DOCTRINA, OMNIUM CONCILIORUM, PATRUM ET THEOLOGORUM UNANIMI CONSENSIONE FIRMATA . . . Magis integrum nunc erit episcopis illam, postquam iterum nominatim et expresse ab Apos. Sede reprobata, novis, si opus fuerit, constitutionibus e sua dioecesi exturbare, eamque temere disseminantes aut usu proprio approbantes saeveris poenis coercere.” &c.

With these facts staring us in the face, we must refuse to the meaner deeds of dishonesty that majesty in crime and peril with which usury alone has been invested by experience, by history, by the writings of canonists and theologians, by the Fathers of the Church, by diocesan, provincial and general councils, and by Sacred Scripture itself,

Ordinarily, when men risk limb and life to storm the aerie, and capture the eagle, they never turn aside to pursue the sparrow. When the lion is our quarry we waste no powder on the jackal. Similarly, when we find the law-givers of the Church straining every nerve and summoning all their mighty energies professedly to combat and conquer the giant of usury, it is too much to expect that we shall “shut our eyes and swallow” the unwarranted and unsupported assurance that all this roaring of cannon and charging of squadrons and parade of power have been needed and employed in a miserable conflict with coiners and card-sharppers.

Therefore, even, if a “parity of motive” would justify the extension of a law, we may reasonably decline to extend to all *bona incerta injuste acquisita* the law which the Church found it necessary to employ against usury—and professedly employed against usury alone.

C. J. M.

POSTSCRIPT.—In the last paragraph of your learned correspondent's September letter, I am asked to “state positively the views I myself hold as to what is of practical obligation in the question.”

In reply, I might be satisfied by saying that I am in no way bound to do so, inasmuch as I merely sought for enlightenment on the difficulties that spontaneously suggested themselves from the perusal of your correspondent's August paper.

But, fearing that this course might be pronounced discourteous or even churlish—I willingly waive my right to await his satisfactory settlement of these objections. At the same time, as his

method of defending the position he took up seems to me without precedent, my form of "positive statement," which, in its *positiveness*, I disapprove of as much in myself as in others, must be also somewhat out of rule.

In a *negative* form I therefore respectfully submit—

That he has *not* proved, since he declines to answer obvious objections, that this obligation "reposes on positive ecclesiastical enactment;" "on principles of natural and divine law," "is, strictly speaking, restitution due from commutative justice," &c. I make no reference to your correspondent's statements as to the teaching in detail of individual theologians nor to the allegation that "Catholics are bound to apply them in this way by positive ecclesiastical law, according to the unanimous teaching of theologians." But while I am not so captious as to substitute for "positive statement" criticism on these and other questionable points of fact and argument, I hope that I am not deficient in courtesy and respect, when I say that substantial inaccuracies and indefensible statements of fact should find no place in a theological essay.

My own views—since I am called upon to state them—are as follow:—

1. I repeat what I stated in my first letter—that "those stolen goods form a matter on which the Church or society might well legislate," but that except in the matters of Simony and Usury, the Church has not hitherto issued a formal law.

2. I hold that on principles of natural law—but on none of those to which C. has appealed—the possessor of *bona incerta injuste acquisita* is bound to give them to the poor, whenever, namely, his *vis, fraus aut dolus* has prevented the owner from so disposing of them or their equivalent. This I also hold happens not unfrequently, especially among Catholics.

3. I hold that inasmuch as a Confessor—and this is practical—is bound to impose upon his penitent a penance that will be "*vindicativa, conveniens . . . ad novae vitae custodiam . . . ad praeteritorum peccatorum vindictam et castigationem*" (Council of Trent), he cannot fail to require the surrender of these goods, and their distribution amongst the poor or for pious purposes. This is the form of penance that most keenly punishes past transgressions and most effectually guards against relapse. In this way I am hopeful that the *practice* of all confessors is uniform, though they may differ as to the origin and direct purpose of the obligation.

4. I have no need, much less desire, to question the teaching of Dr. Crolly: "*Furtum quatenus opponitur justitiae commutativae essentialiter consistit in ablatione aut detentione rei alienae, domino rationabiliter invito. Quatenus autem laedit bonum publicum non justitiae commutativae sed legali adversatur, ex cujus violatione non oritur restitutionis obligatio . . . Pauperes nullum jus acquirunt ex furtis praedonum*" (nn. 329, 330). Quod attinet ad *bona injuste acquisita* quorum dominus inveniri nequit, supra

diximus, haec aut inter pauperes distribui debere aut in alios pios usus erogari ; si enim raptoribus liceret bona haec retinere, Resp. innumeris furtis et latrociniis affligeretur, et cito in ruinam deduceretur. Homines enim ita proni sunt ad res alienas concupiscendas, ut plurimi a rebus alienis surripiendis efficaciter prohiberi nequirent nisi certi forent se salutem consequi non posse nisi praedam restituissent. Haec itaque obligatio ex ipso jure naturali exurgit, nam sine ea homines in societate, in quam ipsa natura duce conveniunt, vivere non possent." (n. 1104).

Thus Dr. Crolly proves conclusively that the crime of theft calls imperatively for the enactment of punitive laws, and that these laws should require the surrender for useful purposes of the stolen goods. "The Church and also the State," as your correspondent asserts, "has *the right* to legislate on them and to determine their application for the public good." This purpose the Church does effect in the Sacrament of Penance. It may, when it so wills, effect the same purpose by direct positive legislation which, when it comes, will be dutifully and reverently accepted.—C. J. M.

II.

COMMUNION OF DEAF MUTES.

REV. DEAR SIR—May I trouble you to explain in the next number of the RECORD the meaning of the following words, which I find in a note to Gury, De Subjecto Eucharistiae 322, Quer. 7. The author speaks of Deaf Mutes, "An communico danda sit surdis mutis ?" etc.

Gury says that the Blessed Eucharist may be administered to such persons if from tokens it is plain that they have discretion and are sufficiently instructed.

The note explanatory of this answer is from Scavini and says :—

"Si praeter instructionem in genere necessariam, etc. . . . satis distinguant particulam consecratam a pane naturali, licet ipsorum idea tam clara non sit, quam parvulorum qui usu omnium sensuum gaudeant. Talibus communico danda est, si urget praeceptum."

What I want to know is the exact meaning of the word "*satis*"—"satis distinguant particulam consecratam a pane naturali."

Is it necessary that Deaf Mutes know that our Blessed Lord is really present, or is it sufficient that they should understand that there is a great difference between this consecrated particle and ordinary bread, without at the same time knowing anything of the Real Presence?

We cannot do better, by way of reply to our correspondent's question, than to refer him to the important

Dissertation published in 1878, on "*The Claims of the Un-instructed Deaf Mutes to be admitted to the Sacraments.*"

The Dissertation in question was published anonymously, but it is well known to have been written by one whose authority in such matters is unquestionable. The pamphlet itself, together with a vindication of it, addressed to the Archbishops and Bishops of Ireland, may be had at Messrs. Browne & Nolan's, Nassau-street, Dublin.

Our correspondent will find the question he proposes fully and very satisfactorily discussed in pages 31 to 35-42, and 65 to 71-2.

If the question were proposed to the learned author, his reply would be something to this effect:—

"I do not think a distinct knowledge of the 'Real Presence' is necessary for a Deaf Mute to be admitted to Holy Communion. If he present himself reverently like the rest of the faithful whom he sees going to the Holy Table, desiring, as it is to be presumed from his so doing, to receive the same advantage as others, I think he is by all means to be admitted."—ED. I. E. R.

[We are asked by the venerable writer of the "*Leaves from the Note Book of an Old Theologian,*" which have occasionally appeared in the pages of the RECORD, to make his apology to many correspondents who have recently written to him on theological questions, by saying that his pen has been laid aside never to be resumed. To all who may read these lines he earnestly recommends himself, that through their pious prayers he may obtain what is now his only thought and desire—the grace of a happy death.

In dutiful compliance with his wish we make this announcement, which costs us, as it will cost thousands of Irish Priests, deep pain and regret.—ED. I.E.R.]

LITURGY.

I.

The Indulgences of the "Angelus."

1. What are the particular hours of the day appointed, if any, for the ringing of the "Angelus" bell, and is the ringing of it at these precise hours essential to the gaining of the "Angelus" Indulgences?

2. Is there any particular mode of ringing the "Angelus" prescribed, for instance, any particular number of strokes, intervals, &c.?

3. The books on Indulgences, such as the *Raccolta*, *Maurel*, &c., state generally that Benedict XIV., declared that the "Angelus" ought to be said standing, on every Sunday, beginning at first Vespers on Saturday evening. I am under the impression that (at least in Rome) it is said standing at 12 o'clock (noon) on Saturdays, if the Saturday be a fast day; the reason being that, according to the ancient Church discipline, Vespers were supposed to be said before the repast or dinner on such days. Is that correct?

4. Is it necessary to say the "Angelus" three times a day to gain the plenary indulgence?

5. Is the bell to be rung in the same way for the *Regina Coeli* as for the "Angelus."

Answer to the first question.

The times for ringing the "Angelus" are morning, noon and evening. Particular hours have not been more definitely fixed as a condition for gaining the Indulgences.

It is necessary that the prayer should be recited at the sound of the bell, except in two cases, viz.: (a) religious who are engaged in a community exercise prescribed by their rule when the Angelus rings, may gain the Indulgences by reciting the Angelus immediately after the exercise;¹ (b) the faithful who dwell where there is no Angelus bell may gain the Indulgences by reciting the Angelus at or about the hours at which it is wont to be rung.²

Answer to the second question.

We cannot find out that any particular way of ringing the bell is prescribed as a condition for gaining the Indulgences of the "Angelus." The custom, however, of tolling the "Angelus" by nine single strokes of the bell

¹ S. C. I., 18 February, 1835.

Resc. of Pius VI., March 18, 1781.

with a notable interval after the third, sixth, and ninth strokes, is so commonly accepted that any deviation from it would be, we should think, censurable.

Answer to the third question.

The "Angelus" is said *flexis genibus*, except on Saturday evening and on the morning, noon, and evening of Sunday when one should say it standing. Saturdays which happen to be fasting days are no exception to this rule.

It was held by many writers that at noon on Saturdays in Lent, one should recite the "Angelus" standing. This decision was grounded on a misinterpretation of a statement of Benedict XIV. He had said that we are to apply the rules of the office regarding the manner of reciting the anthem to the saying of the "Angelus" "*dal vespero di ciaschedun sabbato, a tutta la domenica seguente.*" The authors referred to understood Benedict XIV., to speak in this place of the Vespers of Saturday and not of Saturday evening; and inasmuch as Vespers may be said before noon on Saturdays in Lent, they inferred that one should say the "Angelus" standing, on these days.

There is now, however, no ground for doubt on this question. The Congregation of Indulgences has declared that the "Angelus" is to be said "*flexis genibus, exceptis Dominicis, incipiendo Vespere sabbati, quibus recitari debet stando.*" Moreover, the particular case respecting the manner of reciting this prayer at noon on the Saturdays in Lent was submitted to the Congregation, and the decision was, that there is to be no change on these days.

Answer to the fourth question.

No. There are two kinds of Indulgences attached to the recitation of the "Angelus"—a partial and a plenary Indulgence. The partial Indulgence of 100 days is granted for every time one says the "Angelus" at the sound of the bell (no matter whether the bell is blessed or not) at morning, noon, or evening, *flexis genibus* (except on Saturday evening and through the whole of Sunday), and with contrite heart. The plenary Indulgence is granted to those who say the "Angelus" once a day for a month on the conditions just mentioned, and who, moreover, confess, communicate, and pray for the Church.

The versicle *Ora pro nobis*, &c. and the prayer *Gratiam tuam*, do not form a necessary part of the indulgenced "Angelus."

Answer to the fifth question.

Yes. The *Regina Coeli* is substituted in paschal time for the "Angelus." One always says it standing. The versicle *Gaude et laetare* and the prayer *Deus qui per resurrectionem* are a necessary part of the indulgenced *Regina Coeli*.

We shall print in the next number of the RECORD the principal documents and decisions relating to the "Angelus," in the belief that they will be interesting to more than our correspondent.

II.

The Decades of the Rosary cannot be notably interrupted without loss of the Indulgences.

In order to gain the Indulgences which are attached to the saying of the five decades of the Rosary, is it necessary that there should be no interruption between the decades? In the Office the Hours may be separated, can the decades be separated in the same manner when saying the Rosary?

It is necessary, in order to gain the Indulgences attached to the recitation of the Rosary, that there should be no notable interruption which would destroy the moral unity of the five decades. It is not enough to recite the decades at different hours but so that all five may be said on the same day.¹ Hence, the separation which is allowable in saying the Hours of the Office is not allowable in reciting the decades of the Rosary.

III.

Re-enrolment in the Scapulars not necessary.

If the Scapular has been laid aside for a long time, twelve months or longer, is a re-enrolment necessary to gain the indulgence?

No, it is only necessary to resume the wearing of the Scapular.

IV.

If a priest has got power to enrol otherwise than from the Ordinary, can he do so validly and licitly?

If the power to enrol is made dependent on the consent of the Ordinary, as is usual, by such a cause as this:—

¹ See S. C. Indul. 22 January, 1858.

"*facultatem benigne concessit, de consensu tamen Ordinarii,*" it is of course necessary to apply to the Ordinary for his leave to exercise the faculties. But if no such condition is made, it is not necessary to refer to the Ordinary.

The following decisions of the S. Congregation of Indulgences bear upon this question :—

Utrum qui obtinet *diversas facultates ab Apostolica Sede, scilicet, Altaris Privilegiati personalis; erigendi Stationes Viæ Crucis; benedicendi Cruces, numismata, &c.,* debeat exhibere dictas facultates Ordinario, etiamsi nulla mentio facta sit in concessionum rescriptis?

S. Cong. resp. "*Affirmative quoad Viæ Crucis erectionem. Negative relate ad alias facultates, nisi aliter dispositum in obtentis concessionibus.*"

8 Feb. 1841.

V.

The nature of a Plenary Indulgence.

A Plenary Indulgence is attached to certain festivals of the year, with the option of gaining it on any day within the octave. Now, it is generally admitted that a person failing to gain the whole of a Plenary Indulgence can, and generally does, gain some part of it. With the view of stating my case clearly, I shall suppose the Plenary Indulgence to consist of twelve parts. I wish to gain the Indulgence in its completeness. For this purpose I comply with the conditions on the feast itself, and owing to some slight attachment to venial sin, I gain only four parts of the Plenary Indulgence. I go again to Communion on the second, third and other days within the octave, believing that from day to day I can gain some parts of the Plenary Indulgence, until finally the full number of twelve parts has been gained. Is this a correct notion of the nature of this Plenary Indulgence, or is the attempt to gain the Plenary Indulgence confined to one day?

The commonly received explanation, and the only one we have met with is, that a person is allowed to choose the feast day or any day within the octave for the gaining of the Indulgence. The privilege is that the time for gaining the Indulgence is extended, but the Indulgence itself is not divided into parts and distributed over the week.

VI.

Private Mass.

What is a Private Mass? Is a community or parochial daily Mass such?

A Private Mass is what we commonly call a Low Mass as distinguished from the Missa Solemnis or High Mass. The community and daily parochial Masses are then Missae Privatae.

VII.

Is the priest required to wear the biretta when going to the altar to celebrate Mass or to give Benediction?

Yes.

R. BROWNE.

DOCUMENTS.

LEO PP. XIII. AD PERPETUAM REI MEMORIAM.

DECRETUM PRO INSCRIBENDIS NONNULLIS OFFICIIS IN KALENDARIO ECCLESIA UNIVERSALIS, NECNON PRO CORRIGENDA RUBRICA GENERALI BREVIARII ROMANI TIT. X. DE TRANSLATIONE FESTORUM.

Nullo unquam tempore Romani Pontifices Antecessores Nostri praetermiserunt sanctorum virorum, qui doctrina, virtute, rerum gestarum praestantia Catholicam Ecclesiam, dum in terris agerent, illustrarunt, memoriam in animis Christi fidelium, eorum praesertim, quorum est caeteros exemplo antea, quo altius possent imprimere. Id autem hac inter alias ratione consequuti sunt, eorundem scilicet Sanctorum festa sive in universali, sive in particularibus Ecclesiis indulgendo, ac vitae et rerum gestarum historiam Breviariis inserendo, ut qui divinas preces recitare tenentur, ab iis virtutum illorum factorumque memoria cum laude quotannis repetatur. Hinc nostris etiam temporibus sa. me. Pius Papa IX., Praecessor Noster, vota excipiens et preces multorum Sacrorum Antistitum, qui Romam convenerant Oecumenici Concilii Vaticani causa, peculiarem constituit Anno MDCCCLXXIV Sacrorum Rituum Congregationem, cui munus detulit expendendi utrum

opportunitate esset in Calendario Ecclesiae Officia inserere nonnullorum Sanctorum, qui Apostolorum opus prae caeteris prosequenti Ecclesiae universae aedificandae ac tuendae, et inter diversas gentes dilatandae impensius adlaborarunt: Officia haec erant Sanctorum Bonifacii Episcopi et Martyris, Iustini Philosophi Martyris, Cyrilli et Methodii Pontificum et Confessorum, Cyrilli Episcopi Alexandrini, Cyrilli Episcopi Hierosolymitani et Augustini Episcopi Cantuariensis. Haec autem peculiaris Congregatio Sacrorum Rituum, omnibus quae ad rem pertinerent accurate perpensis, expedire censuit Officium S. Bonifacii ritu duplici ad universam Ecclesiam extendi, indulgendumque esse illis, qui S. Iustini Officium peterent eodem ritu: de aliis rem differre placuit. Quam sententiam idem Praecessor Noster ratam habuit et confirmavit. Haec tum quidem acta sunt. Anno autem MDCCCLXXX visum est Nobis, Sanctis Fratribus Cyrillo et Methodio Slavoniae gentis Apostolis eiusdem cultus honorem tribuere, S. Bonifacio, ut diximus, a Praeessore Nostro delatum. Porro cum Sacrorum Antistites ac Fideles rogare pergerent, ut pari honore condecorarentur tum S. Iustinus, tum alii inelyti Coelites, de quibus prolata res fuerat, tum etiam S. Iosaphat Episcopus Polocensis Martyr, praeclarum Polonae ac Ruthenae gentis lumen: cumque habenda esse tandem ratio videretur postulationum, quae a Romano Clero Apostolicae Sedi porrigebantur pro inscribendis in Calendario Urbis festis quorundam Sanctorum, qui Urbem ipsam suis illustrarunt exemplis et finem laborem suorum ibi assequuti eam propriis nobilitarunt exuviis; ideoque Nos particularem Sacrorum Rituum Congregationem a Praeessore Nostro iam pridem deputatam iterum constituere duximus, eique mandavimus ut opportune expenderet, quatione in Calendario sive Universali sive Cleri Romani Officia praedicta et alia in posterum, si opus esset, inseri possent. Itaque approbantes, et confirmantes, quae a Venerabilibus Fratribus Nostris Sanctae Romanae Ecclesiae Cardinalibus aliisque dictam Congregationem componentibus decreta, et per Venerabilem Fratrem Nostrum Dominicum Sanctae Romanae Ecclesiae Cardinal Bartolinum Sacrorum Rituum Congregationi Praefectum relata Nobis fuerunt. Auctoritate Nostra Apostolica volumus et praecipimus, ut in Calendario Universali Ecclesiae sub ritu duplici minori inscribantur Officia; die IX Februarii S. Cyrilli Alexandrini Episcopi Confessoris; die XVIII Martii S. Cyrilli Hierosolymitani Episcopi Confessoris; die XIV Aprilis S. Iustini Philosophi Martyris; die XXVIII Maii S. Augustini Episcopi Cantuariensis Confessoris; die XIV Novembris S. Iosaphat Episcopi Polocensis Martyris; deinde ut in Calendario Cleri Romani sub ritu item duplici minori inscribantur Officia; die XVI Aprilis S. Benedicti Iosephi Labre Confessoris; die XXIII Maii S. Ioannis Baptistae De Rossi Confessoris; die XIX Augusti B. Urbani II Papae et Confessoris; die XI Octobris B. Ioannis Leonardi Confessoris; die XVII Decembris S. Leonardi a Portu

Mauritio Confessoris: affligantur autem in eodem Calendario Cleri Romani festa S. Cyrilli Alexandrini diei XX Februarii, S. Cyrilli Hierosolymitani diei XX Martii, S. Augustini Cantuariensis diei VII Iunii, et S. Iosaphat Polocensis diei XIV Decembris. Quo vero in utroque Calendario tum Universali tum Cleri Romani habeantur sedes liberae ad nova Officia introducenda, eadem Auctoritate Nostra volumus ac praecipimus, ut Rubrica Generalis Breviarii Romani tit. X de Translatione Festorum hac ratione mutetur; videlicet: "Festa duplicia minora (exceptis illis Sanctorum Ecclesiae Doctorum) et Festa semiduplicia, si occursu Dominicae vel Maioris Festi seu Officii quomodocumque impediantur, non transferuntur, sed ipso die quo cadunt, de eis fit in utrisque Vesperis et Laudibus commemoratio, cum nona lectione historica, sive una ex duabus aut tribus, si tamen haec eo die fieri possint; secus huiusmodi festa duplicia et semiduplicia eo anno penitus omittuntur, ut de simplici cautum est in rubric. tit. IX num. X, tit. X, num. VIII;" postremo ut praesentes litterae Apostolicae in novis editionibus Breviarii ad calcem Rubricae interim apponantur, donec accurata Rubricae ipsius correctio per Sacrorum Rituum Congregationem perficiatur. Haec praecipimus et mandamus, non obstantibus Apostolicis ac in universalibus provincialibusque et synodalibus Conciliis editis generalibus vel specialibus Constitutionibus et Ordinationibus, ceteresque contrariis quibuscumque. Volumus autem ut praesentium Litterarum transumptis seu exemplis etiam impressis, manu alicuius Notarii publici subscriptis et sigillo Personae in ecclesiastica dignitate constitutae munitis eadem prorsus adhibeatur fides, quae adhiberetur ipsis praesentibus si forent exhibitae vel ostensae.

Datum Romae apud Sanctum Petrum sub Annulo Piscatoris die XXVIII Iulii MDCCCLXXXII, Pontificatus Nostri Anno quinto.

TH. CARD. MERTEL.

The following *Monitum* has been issued by the Sacred Congregation of Rites in reference to the foregoing Decree:—

MONITUM.

Nova Officia in Calendario Universalis Ecclesiae inserenda ex Apostolico Brevi diei 28 Iulii 1882 (quod vim obligandi habet anno 1884) assignari poterunt diebus proxime insequentibus vacuis in iis Calendariis particularibus in quibus alia Officia jam affixa illis diebus reperiuntur, sicut pro Calendario Urbis provisum fuit.

Ex Secretaria Sac. Rituum Congregationis, die 12 Septembris, 1882.

LAURENTIUS SALVATI,
S.R.C. Secretarius.

EXPLANATORY NOTE.

The important changes introduced into the liturgical *Ordo* by the preceding Papal Brief do not come into operation, as it is evident from the *Monitum*, until the year after next. It seems useful, however, in examining the nature of those changes, and the extent to which the *Ordo* will be affected by them, to illustrate the matter practically by taking the *Ordo* for next year as it now stands, and pointing out the changes that would be introduced in it by the application of the new rule if it were at once to come into operation.

The effect of the Papal Brief, then, is two-fold; it establishes a number of new liturgical Feasts; and it modifies, most substantially, the existing liturgical rules regarding the Translation or Transferring of Feasts in the Ecclesiastical Calendar.

The Feasts newly established are the following:—February 9th, St. Cyril of Alexandria, Bishop and Confessor; March 18th, St. Cyril of Jerusalem, Bishop and Confessor; April 14th, St. Justin the Philosopher, Martyr; May 28th, St. Augustine, Bishop of Canterbury, Confessor; November 14th, St. Josaphat, Bishop of Polock, Martyr.

These five Feasts are introduced into the Ecclesiastical Calendar with the rank of ordinary doubles (*duplicia minora*).

Five other Feasts, with the same rank, are introduced into the special Calendar *pro Clero Romano*. But we may confine our attention to the five above mentioned, which are established for the Universal Church.

Then, with the view, as His Holiness declares, of avoiding the complications that might otherwise result from the introduction into the Calendar, whether of the Feasts now established or of others that may afterwards be established, the Brief goes on, in the second place, to effect the alteration, already referred to, in the Rubric regarding the Transferring of Feasts.

One of the best known rules hitherto in force on this subject is to the following effect:—When, in any year, a Moveable Feast of higher rite than an ordinary double occurs on a day that is assigned in the Ecclesiastical Calendar to a Feast of double or of semidouble rank, the arrangement of the Calendar is for that year modified—the ordinary Calendar festival being displaced, and transferred to the first available vacant day. The same rule, it is hardly necessary to observe, applies in the case of an

ordinary double or semidouble Feast on the occurrence of a Sunday, such as Septuagesima Sunday, the Sundays in Lent, &c., to which precedence over ordinary doubles is assigned by the rules of the liturgy.

This system of transfers, as regards ordinary doubles and semidoubles, *is practically abolished by the new Decree*. From the time when this Decree comes into operation, *ordinary doubles and semidoubles*, on the occurrence of a Moveable Festival of higher rank, or of a privileged Sunday, *will not*, except in one class of cases—the Feasts of Doctors of the Church—*be transferred at all*. In accordance with the analogy of *simple* Feasts in the present arrangement of the Breviary, merely a commemoration of displaced double or semidouble will be made at Vespers and at Lauds, and the historical lesson or lessons of its Office will be read as the ninth lesson at Matins.

The change thus effected in the yearly arrangement of the liturgical *Ordo* is of wide extent. This becomes evident on an examination of the *Ordo Divini Officii recitandi*, which will be found, in any year that may be selected, to contain a very large number of transferred Feasts. Now every transferred office implies the existence of a day to which no double or semidouble Feast is assigned in the Calendar. And on every such day, in the absence of some provision such as that which now transfers to it a transferred Office of nine lessons, the Office to be read would be the Office of the corresponding Feria, or the Office of a Simple Feast including, of course, the recitation of that portion of the Psalter assigned to the Feria in question.

The number of days to which no double or semidouble Feast is assigned in the Ecclesiastical Calendar is as follows :—

In January there is	1
„ February there are	17, and, in leap years, 18
„ March	21
„ April	16
„ May	11
„ June	14
„ July	7
„ August	2
„ September	7
„ October	16
„ November	6
„ December	9

Thus there are, in all, 127, and, in leap years, 128.

Not more than about 10 of these days, on an average, are occupied by the occurrence of the Moveable Feasts, with their Octaves, of Easter, Ascension Thursday, Pentecost, and Corpus Christi. Thus we may set down the average number of unoccupied days each year at about 117.

In the special Calendars of particular Churches the number of days thus unoccupied is diminished, and in the great majority of cases, very notably diminished, by the insertion of Feasts specially conceded. In Ireland, for instance, this is so to a very large degree. We have, in fact, no fewer than 71 such Feasts.

The total number of days in our Irish Calendar unoccupied by Offices of double or semidouble rite is thus reduced to 70,¹ or rather to about 60, if we make the requisite deduction, already mentioned, due to the occurrence of the Moveable Feasts, with their Octaves, of Easter, Ascension Thursday, Pentecost, and Corpus Christi.

Still these numbers are no doubt large, and possibly that readers, viewing them with surprise, may feel inclined to question their accuracy. It is useful then to observe that is the operation of the liturgical rule hitherto in force regarding the Transfer of Feasts, that to so large an extent practically conceals the actual condition of the Calendar as regards the number of its vacant days.

Let us take, for instance, the present month of October, 1882. In the general Ecclesiastical Calendar, October contains no fewer than 16 days to which no Feast of double or of semidouble rank is assigned. Of these but 6 are filled in our Irish Calendar by Feasts celebrated by special

¹It may, perhaps, seem to require explanation that the number of unoccupied days in our Irish Calendar should thus be set down as 70, seeing that the number of such days in the general Ecclesiastical Calendar is 127, and that 71 special offices of double or semi-double rite are celebrated by special indult in Ireland. Why is it that the number of unoccupied days is not thus reduced to 56? What becomes of the remaining 14 days?

To account for this apparent discrepancy we have to remember that several of the special Feasts of the Irish Calendar fall within octaves such as those of SS. Peter and Paul, St. Laurence, the Assumption, and All Saints. These, then, though occurring on days already occupied in the general Ecclesiastical Calendar, are celebrated without any displacement of its arrangements. The number of offices thus celebrated is 9. The remaining 5—to make up the balance of 14 days to be accounted for—are the special Feasts in commemoration of the Passion of our Lord, celebrated with the rank of greater doubles, on the five first Fridays in Lent.

Indult. Thus, even in the Irish Calendar, the number of unoccupied days in October is 10. But in the *Ordo* of the present year we find that throughout the whole month of October there are but *three* days to which a double or semidouble Feast is not assigned. In many dioceses in Ireland there are but *two*. In some there is *not even one*.

This of course is the result of the rule hitherto in force regarding transfers. Thus, for instance, if we take the 3rd of October—the first unoccupied day of this month in the Calendar—we find it occupied this year by the transferred Feast of the Stigmas of St. Francis, transferred from its proper day, the 17th of September, in consequence of the occurrence, this year, on that day, of the Feast of the Seven Dolours of the Blessed Virgin.

A still more striking illustration of the extent to which the system of transfers thus operates is found in the fact that a vacancy on the 5th of October—the next vacant day in the month—was this year filled by the transferred Feast of St. George (transferred from the 23rd of April), a fact from which we at once learn that *from the 23rd of April to the 5th of October* there was *not even one day* that was not occupied, by transfer or otherwise, by a double or semidouble Feast. Now, within the days thus mentioned, there are, even in our Irish Calendar, *twenty* unoccupied days. Of these twenty, no fewer than *thirteen*² would have had Ferial or Simple offices assigned to them, but for the operation of the system of transferring Feasts.

But probably the most satisfactory mode of setting forth the result of the operation of this new rule, by which the transferring of ordinary doubles and semidoubles (with the exception of the Feasts of Doctors of the Church) is abolished, will be to set down in parallel columns a few weeks of the Calendar, indicating the arrangement of the Offices under the old rule and the new.

Let us take, then, the case of next year, 1883, as an example.

It so happens that down to the 18th of February, the 2nd Sunday of Lent, no difference could arise. Previous to that date, only *two* vacant days occur in the Irish Calendar—the 28th of January, and the 3rd of February. Next year the former of these will be occupied by Septuagesima Sunday; and the latter by the transferred Feast of St.

² Out of the 20 unoccupied days in the Calendar, the remaining 7 happened this year to fall within the Octave of Pentecost, or on Sundays to which special Offices are assigned.

Hilary, 14th January, which, as the Feast of a Doctor of the Church, would be transferred under the new rule as it has been under the old.

Beginning, then, with the 18th of February, and taking the next four weeks, we find that the application of the new rule would effect the following changes in this portion of the *Ordo* :—

ARRANGEMENT OF THE *ORDO* UNDER
THE RULES HITHERTO IN FORCE.

- Feb. 18. DOM. 2DA. QUADRAG.
19. SS. Coronae D.N.J.C.
20. S. Agnetis (Jan. 21).
21. S. Andr. Corsin. (Feb. 4).
22. Cathedrae S. Petri Antioch.
23. S. Petr. Damiani.
24. S. Matthiae.
25. DOM. 3TIA. QUADRAG.
26. SS. Lanceae D.N.J.C.
27. S. Romualdi (Feb. 7).
28. S. Ignatii (Feb. 18).
- Mar. 1. S. Marcelli (Feb. 9).
2. SS. Quinque Vulnerum
D.N.J.C.
3. S. Raymundi (Feb. 11).
4. DOM. 4TA. QUADRAG.
5. S. Kyraní.
6. S. Casimiri (Mar. 4).
7. S. Thomae.
8. S. Cataldi.
9. S. Franciscæ.
10. SS. Quadraginta Martyrum.
11. DOM. PASSIONIS.
12. S. Gregorii.
13. S. Senani.
14. Pretios. Sanguinis D.N.J.C.
15. S. Joannis de Deo (Mar. 11).
16. Septem Dolorum B.V.M.
17. S. Patricii.
18. DOM. PALMARUM.

ARRANGEMENT OF THE *ORDO* UNDER
THE NEW RULES.

- Feb. 18. DOM. 2DA. QUADRAG.
19. S. Marcelli. [?]
20. SS. Coronae D.N.J.C.
21. — [Feria].
22. Cathedra S. Petri Antioch.
23. S. Petri Damiani.
24. S. Matthiae.
25. DOM. 3TIA. QUADRAG.
26. SS. Lanceae D.N.J.C.
27. — [Feria].
28. — [Feria].
- Mar. 1. — [Feria].
2. SS. Quinque Vulnerum
D.N.J.C.
3. — [Feria].
4. DOM. 4TA. QUADRAG.
5. S. Kyraní.
6. — [Feria].
7. S. Thomae.
8. S. Cataldi.
9. S. Franciscæ.
10. SS. Quadraginta Martyrum.
11. DOM. PASSIONIS.
12. S. Gregorii.
13. S. Senani.
14. Pretios. Sanguinis D.N.J.C.
15. — [Feria].
16. Septem Dolorum B.V.M.
17. S. Patricii.
18. DOM. PALMARUM.

To render the preceding Table fully intelligible, I should perhaps explain the following points :—

1. In the first column I have stated, in parenthesis, in each case of a transferred Feast, the day assigned to the Feast in our Irish Calendar. In many instances, the day thus indicated is different from that assigned to the same Feast in the general Calendar of the Church. For, when special Feasts are introduced by Indult into a particular Calendar, as into that of Ireland, a permanent displacement of the previously existing Feasts is frequently rendered necessary. The day to which a Feast is thus permanently

transferred is termed a *dies fixa*. The rules in accordance with which the assigning of *dies fixae* takes place need not be stated here. It will suffice to take an illustration. The Feast of St. Ignatius, Martyr, is assigned in the general Ecclesiastical Calendar to the 1st of February. The fact that in Ireland this day is assigned to the Feast of St. Bridget, has made it necessary permanently to remove the Feast of St. Ignatius to a subsequent unoccupied day. And in the Irish Calendar, several intermediate days being occupied as *dies fixae*, the first available day is the 18th of February. This, therefore, as a *dies fixa*, is the Feast of St. Ignatius in our Calendar.

2. The assignment of *dies fixae* is not interfered with by the new Decree.

3. Feasts such as those in commemoration of the Passion of our Lord on the five first Fridays of Lent, since they have the rank of *greater doubles*, are to be transferred under the new rule as under the old.

4. In the second column, the 19th of February is assigned, but with an indication of uncertainty, to the (semidouble) Feast of St. Marcellus. Under the present arrangement of the Irish Calendar, this Feast is celebrated on the 9th of February—the day assigned to it, as a *dies fixa*, in accordance with the ordinary rules of the liturgy, when it was removed from its ordinary Calendar day, the 16th of January, occupied by the (Irish) Feast of St. Fursa. But the 9th of February will probably henceforth be occupied by the new Feast of St. Cyril of Alexandria, to which, as a double, if no special provision be made to the contrary,¹ the semidouble Feast of St. Marcellus should give place. The Feast of St. Marcellus, then,

¹ It may, of course, be regarded as open to question whether a special provision, such as is here referred to, has not in fact been made by the Congregation of Rites, and set forth in the *Monitum* of the 12th of September. (See page 691.)

The words of the *Monitum* are, no doubt, sufficiently general to cover the case before us. "Another Office" is in possession, and the *Monitum* may be read as directing in all such cases the transfer of the new Office, the Office hitherto in possession remaining undisturbed.

It is, however, to be remembered that such an arrangement in a case where the Office hitherto in possession is of inferior rite,—as, for instance, a semidouble compared with a double,—would be altogether at variance with the established rules of the liturgy regarding the assigning of *dies fixae*. I should, therefore, prefer not to assume that the *Monitum* is to be understood in this sense (although apparently implied by the words as they stand) until more explicit directions on the point are given by the Congregation or by the Holy See.

being thus displaced, should be assigned to the next vacant day, the 19th of February, as a *dies fixa*.

Resuming, then, our comparison of the two arrangements of the Ordo, we pass on to Low Sunday. For, it is hardly necessary to explain, from Palm Sunday to Low Sunday (18th March—1st April) the arrangement of the Ordo must in both cases be the same.

During this interval, however, *nine* Calendar Feasts occur. *Four* of these are Feasts that should be transferred, under the operation of the new rule, as of the old. But the remaining *five*, which, under the rule hitherto in force, should be transferred to the first available vacant days after Low Sunday, would not, under the operation of the new rule, be transferred at all. When the new rule, however, comes into operation, one of the days thus to be left vacant will be occupied by the newly-established Feast of St. Justin, on the 14th of April.

Practically no change would result in the week immediately following Low Sunday. But the following would be the result in the next two weeks, following the 2nd and 3rd Sundays after Easter:—

April. 8. PATROCINII S. JOSEPH.
 9. S. Gabrielis (Mar. 18).
 10. S. Frigidiani (Mar. 22).
 11. S. Leonis.
 12. S. Cuthberti (Mar. 20).
 13. S. Hermenegildi.
 14. S. Benedicti (Mar. 21).
 15. DOM. III. POST PASCH.
 16. S. Macartini (Mar. 24).
 17. S. Ruperti (Mar. 27).
 18. S. Lasariani.
 19. S. Francisci (Apr. 2).
 20. —[Feria].
 21. S. Anselmi.
 22. DOM. IV. POST PASCH.

April. 8. PATROCINII S. JOSEPH.
 9. S. Gabrielis (Mar. 18).
 10. S. Frigidiani (Mar. 22).
 11. S. Leonis.
 12. —[Feria].
 13. S. Hermenegildi.
 14. S. Justin.
 15. DOM. III. POST PASCH.
 16. —[Feria].
 17. —[Simple].
 18. S. Lasariani.
 19. —[Feria].
 20. —[Feria].
 21. S. Anselmi.
 22. DOM. IV. POST PASCH.

It will thus be seen that, in the six weeks that I have taken as the first occurring in the course of the year, from which the change effected by the new rule could be illustrated, the number of *additional* Ferial or Simple offices to be recited would be 11.

It must also, however, be borne in mind that, as regards Ireland, a further result of the new rule will be to bring into more practical operation the privilege, conceded many years ago, of celebrating, throughout the year, with semidouble rank, a votive Feast of the Blessed Sacrament on every Thursday, with few exceptions, and, with almost

the same exceptions, a votive Feast of the Immaculate Conception on every Saturday throughout the year, not otherwise occupied by a double or semidouble Feast. The exceptions are, the Thursdays and Saturdays of Advent and Lent, the Saturdays of the *Quatuor Tempora*, Vigils, and days to which the Rubric directs the Office of the preceding Sunday to be transferred.

Thus, for example, two of the Ferias left vacant in the second column of the preceding Table, the 12th and the 19th of April, happening to fall on Thursdays, the Office to be recited would be that of the Blessed Sacrament. This, then, would reduce the number of *additional* Ferial Offices in those two weeks, from *four* to *two*, and the total number of *additional* Ferial Offices occurring within the six weeks, from *eleven* to *nine*.

It remains only to notice that as regards the commemoration directed by the new rule to be made when an office is to be transferred, the Decree follows, as far as possible, the analogy of the parallel case of the commemoration of Simple Feasts under the rules hitherto in force. But certain modifications are introduced, naturally arising from the difference between the two cases. Thus—

1. A Commemoration is to be made not only at Lauds, and at the Vespers of *the day preceding* that to which the Feast is assigned in the Calendar, but also at the Vespers of *the day itself*.

2. At Matins, where the Feast is commemorated by the substitution of one or more of its lessons for the ninth lesson of the day, the ninth lesson, in the case arising under the new rule, must be taken from those set down in the Breviary for the *second Nocturn* of the omitted Office. Among the many interesting liturgical questions that cannot fail to arise when the new Decree comes into operation, there will be few of more practical interest than one regarding the application of this provision. Will it be of obligation to read *per modum unius*, as a ninth Lesson, the *three Lessons* of the second Nocturn of the omitted office? The words of the Decree are as follows:—“Festa duplicia minora (exceptis illis SS. Ecclesiae Doctorum) et Festa semiduplicia non transferuntur; sed ipso die quo cadunt, de eis fit . . . commemoratio, cum nona lectione historica, *sive una ex duabus aut tribus*,” etc. In the case of Simple Feasts, the existing rule is plain:—“Si habuerit duas lectiones, *ex duabus fit una lectio*.” This rule is explained, for instance, by De Herdt, as follows:—

"Quoad lectionem quae pro nona legenda est, si sit *homilia*, . . . *de praecepto* tantum legenda est *prima* lectio de *homilia*, vel *ad libitum* possunt dici *tres* lectiones simul in *unam conjunctae*; si autem sit *lectio simplicis*, non potest, quamvis duas habeat, alterutra omitti, sed *de praecepto ex duabus una est facienda*, et tota legenda." If, then, this analogy be followed in the interpretation of the words "una ex duabus vel tribus," the operation of the new Decree will manifestly involve, under this head also, a very notable addition to the existing obligation of the Divine Office.

WILLIAM J. WALSH.

II.

TESTIMONIAL LETTERS.

[We are indebted to the kindness of the Bishop of Ardagh and Clonmacnoise for a copy of the following correspondence with the Prefect of Propaganda, which serves to determine a question of much practical importance. We hope to be able to put before our readers in a short time a Decision on another phase of the same question.—ED. E. I. R.]

[TRANSLATION].

TO HIS EMINENCE CARDINAL SIMEONI, Prefect of the S.C. of the Propaganda, Rome.

MOST EMINENT LORD,

I beg your Eminence, with your usual condescension, to resolve the following doubt for my guidance:—

My Ecclesiastical Students make their sacred studies, sometimes in Maynooth College, sometimes in the Irish College, Paris, or elsewhere; however, I often bring them home for ordination. Now in the Bull, "*Aplicae Sedis*," in the 5th chap., "*Suspensiones latae sententiae Summo Pontifici reservatae*," we find the following: "*Suspensionem per annum . . . incurrunt ordinantes . . . etiam proprium subditum, qui alibi tanto tempore moratus sit, ut canonicum impedimentum contrahere ibi potuerit, absque Ordinarii ejus loci litteris testimoniabilis*."

My doubt is:

1st. Whether in such a case the certificate of the Superior of the College in which the studies have been made would not be sufficient, especially because it is always certain that he enjoys the confidence of the Bishop of the place, to whom on the other hand the person to be ordained is generally quite unknown.

And 2ndly. Supposing the Ordinary's testimonial letters to be required, what period of time is referred to in the clause: "*Ut canonicum impedimentum contrahere ibi potuerit*," inasmuch as some impediments can be contracted in a few days, or even in one day?

I have the honour, &c.,

✠ BARTH. WOODLOCK,

Bishop of Ardagh and Clonmacnoise.

The following is His Eminence's answer:—

ILLMO. E RMO. SIGNORE,

Alla domanda fattami dalla S. V. intorno al modo di regolarsi quanto all' attestato che a tenore della Costituzione "*Aplicae. Sedis*" richiedesi, perchè un Vescovo possa ordinare i Chierici suoi sudditi, i quali sono stati altrove per qualche tempo, mi è d'uopo rispondere, che secondo la Costituzione stessa l' attestato dee esser fatto dal Vescovo o da altri autorizzato e in suo nome.

Per l'interpretazione poi delle parole: "*Alibi tanto tempore moratus sit, ut canonicum impedimentum contrahere ibi potuerit*," conviene attenersi agli autori più riputati, i quali generalmente ritengono che la possibilità *giuridica* d' incorrere impedimenti debba ammettersi in un' assenza per lo spazio almeno di sei mesi.

Roma, dalla Propaganda, 7 Agosto, 1882.

GIOVANNI CARD. SIMEONI, Prefo.

✠ D. ARCIV. DI TIRO, Segro.

[TRANSLATION.]

MOST REV. LORD,

With respect to your Lordship's question as to the mode of action you should adopt with reference to the certificate required by the Constitution "*Aplicae. Sedis*," that a Bishop may confer Orders on his clerical subjects, who have resided outside of his diocese for some time, I have to say in reply, that according to the Constitution the certificate must be given by the Bishop of the diocese where they resided, or a person authorised by him and in his name.

As for the meaning of the words, "*alibi tanto tempore moratus sit, ut canonicum impedimentum contrahere ibi potuerit*," we ought to be guided by the opinions of approved authors, who in general hold that *juridically* the possibility of incurring impediments arises from an absence of at least six months.

Rome, given at the Propaganda, 7th August, 1882.

GIOVANNI CARD. SIMEONI, Pref.

✠ D., ARCHBISHOP OF TYRE, Sec.

NOTICES OF BOOKS.

The Life of St. Philip Neri, Apostle of Rome. By ALPHONSO CAPECELATRO, Archbishop of Capua. Translated into English by THOMAS ALDER POPE, M.A., of the Oratory.

IT is matter for regret that the reading portion of the community devotes so little attention to the lives of the Saints. Some excuse there was for this neglect in former times, when well-written lives were not easily procurable; but the plea has lost whatever show of justification it ever had. At the present day excellent biographies of the most remarkable of God's servants are within the reach of all, and yet, sad to say, Catholic men and women, who would be ashamed to acknowledge want of acquaintance with some trivial circumstance in the career of a fictitious character in the latest novel, are content to live their whole lives in gross ignorance of what was done and dared by earth's greatest heroes—the Saints of the Catholic Church. Nor can it be said that this sort of reading lacks the interest of romance. On the contrary, how much more genuine pleasure, not to speak of instruction and wisdom, does one receive from reading, for example, the life of St. Philip, or St. Ignatius, than from devouring the pages of a sensational story? Youth is said to be the season of strong temptation and generous resolution. If so, what a pity that the lives of the Saints are not more largely drawn upon to combat the one and purify the other. For attaining both these ends few books deserve to be recommended before the above-named biography of Rome's Apostle. Of the scope of this work we cannot give a juster idea than by quoting the translator's own words. After stating that the author never intended to supersede Gallonio and Bacci, he goes on to say:—

"In these volumes we have the life of St. Philip amidst the circumstances and the men of his time. We trace year by year the steps of the way by which he, who entered the Eternal City in 1533, a friendless and unknown youth, became the acknowledged Apostle of Rome. We grow into acquaintance with the eminent and holy men who formed the galaxy of his disciples, and are thus insensibly taught to feel his incomparable greatness; even as from the number and size of its encircling bodies we infer the mass and splendour of the central light, and the energy of its attracting power. When we have closed this history, the light from the pages of Gallonio and Bacci is sensibly clearer and more tender; it stands towards them as their complement, and to a certain extent as their interpretation; it supplies, it may be, a warp on which their previous materials may be woven into a more symmetrical and therefore more striking and beautiful whole."

A distinction is sometimes drawn, especially by non-Catholics, between saints who are imitable and saints who are not. No

doubt there are various grades in the quality; and taking the distinction as valid in this sense, the Founder of the Oratory possessed imitability in an eminent degree. Not that any ordinary Christian may propose to himself a career in every respect like St. Philip; but that the way and spirit of his actions are transparently clear in everything he did, for our guidance and imitation. What seems most extraordinary, is his preaching in the churches when as yet a layman; but the circumstances were very different from those of our time, and the call was unmistakably divine. How his call and mission contrast with Luther's! Any one anxious to study the life of a heaven-sent reformer, should read Archbishop Capecepatro's Life of St. Philip, neatly rendered into English by Father T. A. Pope.

P. O'D.

The History of the Blessed Virgin Mary. Translated from the French of the ABBE ORSINI, by the Very Rev. F. C. HUSENBETH, D.D., V.G., Provost of Northampton. Dublin: M. H. GILL & SON. 1882.

Both translator and publisher have done their parts to make this Life of the Blessed Virgin one of the most useful and attractive ever printed in the English tongue. Larger and more expensive biographies, full of piety and erudition, have appeared in years gone by, to instruct and edify the faithful, and yet we doubt if any of them has received from the public the welcome which is sure to be given to the present publication. Abbé Orsini's Life of the Blessed Virgin is singularly dramatic, and has about it that attractiveness which we are wont to associate with a good story brilliantly written. And, indeed, brilliant beyond question is the language of Abbé Orsini. Perhaps it has this quality in excess. Certainly one is tempted to think that descriptions so vivid and so picturesque are withal somewhat imaginary, and a little too highly flavoured with metaphor or other figure to be accurate in every particular. How the work of translation has been done may be judged from the fact, that the reader readily forgets it is a translation and not an original he has before him. Only once does the translator find it necessary to dissent from the view taken by the author. It is where the latter states that the Virgin Mother accompanied the women from Galilee, who went on the morning of the third day, to embalm our Lord's body. At the end of the volume is given the Decree of the Immaculate Conception, with an English translation, and an account of the splendid ceremonial which attended the definition of that doctrine. The book is certainly a valuable contribution to ecclesiastical literature in these countries.

P. O'D.

The Way of Perfection in the Spiritual Exercises of St. Ignatius of Loyola. By the Rev. JOHN CURTIS, S.J. Dublin: M. H. GILL & SON.

This book must prove a great blessing to many religious. The author tells us in his preface that his Meditations "have been, for the most part, written many years. They have formed the matter proposed by the writer for the consideration of the various religious communities by whom he has been invited to direct their annual retreats, and in several of those communities transcripts, more or less imperfect, may be found. It is now thought desirable to publish them in a correct form, with some additions, which it is hoped may prove useful.

"These additions consist principally of four lectures on leading points of spiritual life: 1, On The Spirit of the Religious State; 2, On Self-denial or Mortification; 3, On the Virtue of Humility; 4, On Prayer, especially Mental Prayer." The whole is accommodated to a retreat of ten days.

There are added some admonitions for the performance of the spiritual exercises, besides a preparation for meditation, which many will find convenient as a regular form drawn by so competent a spiritual writer.

The book is most tastefully brought out in regard to paper, printing, and binding. It reflects great credit on the eminent publishers.

Mc.

We have received for Review the following Books:—

From MESSRS. BURNS & OATES—

Growth in the Knowledge of Our Lord; Meditations for Every Day of the Year. Adapted from the French Original of Abbé de Brandt. By Sister M. FIDELIS, Daughter of the Cross. II. Vols.

The Catholic Literary Circular for September, and October, 1882. *The Dublin Review*, October, 1882.

From BENZIGER, BROTHERS—

Elements of Ecclesiastical Law. Vol. 2nd. Ecclesiastical Trials. By. Rev. S. B. SMITH, D.D.

From the CATHOLIC PUBLICATION SOCIETY, New York—

The Illustrated Catholic Family Annual for 1883.

THE IRISH ECCLESIASTICAL RECORD.

DECEMBER, 1882.

ON THE EFFICACY AND FRUITS OF THE SACRIFICE OF THE MASS.

IT seems not only strange but, indeed, incapable of satisfactory explanation, that the section of theological science in which it is most difficult for priests who are not professional theologians, to obtain, from ordinarily accessible sources, even moderately satisfactory information, is the section that deals with the most practical, and, as regards personal devotion, probably the most important, aspect of the chief and essential function of the priesthood.

It can hardly be necessary to explain that I refer to that large and complicated set of questions usually grouped under the general heading, "*De Efficacia et Fructibus Sacrificii Missae*." Let us take, for instance, even Gury's treatment of one of the most important of these—the question, "*Quotuplex sit fructus Sacrificii Missae?*" It is impossible to read his exposition of the points to which this question gives rise, without being struck by the marked absence of that accuracy of expression, that care in the framing of definitions and divisions, and that general clearness of exposition, usually such striking characteristics of the work of the learned Jesuit.

"*Fructus Missae*," he says,¹ "*distinguitur ex duplici capite, nempe ex parte offerentis et ex parte victimae.*"

"I. *Ex parte offerentis.* Cum duplex sit offerens, *Christus* nempe et *sacerdos*, hinc duplicis generis est fructus Missae ex parte offerentis.

¹ Gury, *Comp. Theol. Moral.* Part 2, n. 350, Quaer. 3.
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"Prior provenit ex *Christo* offerente, et dicitur ex opere operato . . . Alter provenit ex sacerdote offerente . . . et fructus ex opere operantis nuncupatur.

"II. Ex parte *victimae*. Ex hoc capite *triplex* distinguitur fructus Sacrificii, scilicet, *generalis, specialis, specialissimus*.

"Fructus *generalis* ille est qui respondet Sacrificio quatenus est opus positum a sacerdote prouti operatur nomine totius *Ecclesiae* . . . Fructus *specialis* est ille qui advenit ei, vel illis, quibus sacerdos specialiter Sacrificium applicat. . . Fructus *specialissimus* ille est qui obvenit sacerdoti offerenti quatenus est *persona privata offerens*."

Now undoubtedly the efficacy or fruitfulness of the Sacrifice of the Mass, and consequently its fruits, are to be ascribed to two sources—the infinite worth of the Victim offered, and the dignity or excellence of those by whom, or in whose name, it is offered. So far, we are, in a certain sense, free to stand on the lines laid down by Gury. Not so when we proceed to examine his subdivisions.

Thus, under the first heading, "*ex parte offerentis*," we find mention only of our Lord, and of the officiating priest, but no mention either of the *Universal Church*, or of those *individual members* of the Church who by some personal act take part with the priest in the actual offering of the Sacrifice. This important branch of the subject, however, or at least the former portion of it, is introduced under the second member of the division, with which, manifestly, if the words employed by Gury be taken in any ordinarily accepted sense, it has no possible connection.

Again, although we find under the first member of the division, a reference to the priest considered *as an individual* and apart from his representative character—whether as representing the great High Priest, Christ, or as minister and representative of the *Universal Church*—this same aspect of the question is again introduced under the second member, and apparently in precisely the same sense.

Once more, the second member of the division, "*ex parte victimae*," is subdivided by Gury into three sections, not one of which has any reference to the Victim of the Sacrifice, although their relation to the Victim is, in the first instance, put forward as the fundamental idea underlying this portion of the exposition. And, in fact, from the nature of the case it is plain that in no accurate use of the term could this second member of Gury's division afford room for such subdivision at all.

But abandoning the ungrateful task of pointing out the shortcomings in the treatment of this and other branches of the subject by a writer to whom already many generations of theological students are so deeply indebted as probably their chief scholastic benefactor, let us endeavour rather to note down, if possible, a somewhat more satisfactory outline of the body of teaching on this subject, than is to be found—though, indeed, to a great extent, in scattered fragments—in the works of the great masters of theological science.

It is well to bear in mind throughout that our object will rather be to ascertain the actual teaching of the theologians, as reflecting the sense of the Church, than to establish by theological reasoning the truth of the various points thus set forth.

We may begin by calling to mind a few obvious and well-known points—

§ 1. *The fourfold Efficacy of the Mass: the Efficacy, Effects, and Fruits of this Sacrifice: their twofold source.*

I. The Sacrifice of the Mass, as is so beautifully developed in S. Leonard of Port Maurice's method of hearing it, has a fourfold efficacy. It is a sacrifice (1) of *worship*; (2) of *propitiation*, for the remission of sin; (3) of *impetration* or prayer, for the obtaining of benefits, whether spiritual or temporal; and (4) of *thanksgiving* for benefits received. In the Old Law these four objects of sacrifice were attained by the offering up of sacrifices of various kinds; (1) the holocaust or whole-burnt offering, chiefly for *worship*; (2) the sin-offering, for *propitiation*; and (3, 4) the peace-offerings, for *impetration* or for *thanksgiving*. But the Sacrifice of the Mass, as the Council of Trent teaches,¹ "*illa est [oblatio] quae per varias sacrificiorum . . . legis . . . similitudines figurabatur; utpote quae bona omnia per illa significata, velut illorum omnium consummatio et perfectio complectitur.*" And so the Church, in one of the prayers in the Mass of the 6th Sunday after Pentecost, addresses God in the words, "*Deus qui legalium differentiam hostiarum unius sacrificii perfectione sanxisti.*"

2. By the *efficacy* of the Sacrifice of the Mass, theologians understand its aptitude, or fruitfulness, as a means of attaining those various ends. By its *effects* they understand

¹ Sess. 22, *De Sac. Missae*, cap. 1.

the *results* actually attained through its instrumentality. The special term *fruits* is usually employed to designate the effects of *propitiation* and of *impetration* (the benefits of which are received by creatures), as distinguished from those of *worship* and of *thanksgiving* (which are here offered only to God).

3. The efficacy or fruitfulness of this Sacrifice, viewed in general—that is to say, without special reference to any of its special effects or fruits,—arises from two sources: (a) the worth of the *Victim* offered in sacrifice, and (b) the dignity or excellence of the *person* or *persons by whom* it is offered.

§ 2. *The Victim of this Sacrifice.*

4. The Victim offered, being the sacred Body and Blood of our Lord Jesus Christ, is infinite in worth. This, however, does not of itself suffice to render the Sacrifice infinite in efficacy. “*Hoc parum refert,*” is the strong expression of De Lugo,¹ “*ad arguendum infinitum valorem in oblatione; oblatio enim non tam sumit valorem ex re oblata, quam ex offerente. . . Alioquin oblatio qua B. Virgo suum Filium obtulit, in templo habuisset etiam infinitum valorem.*” And in this he expresses practically the unanimous consent of theologians.

§ 3. *By whom this Sacrifice is offered.*

5. In estimating, then, the efficacy of the Sacrifice of the Mass, we have to consider also by whom, or in whose name, the sacrifice is offered.

6. It is offered, first and chiefly, by our Lord Himself, who thus, acting through the ministry of the officiating priest, is here Priest as well as Victim—“*idem,*” as the Council of Trent teaches,² “*nunc offerens sacerdotum ministerio, qui se ipsum . . in cruce obtulit, sola offerendi ratione diversa.*”

7. Secondly, it is offered by the Universal Church, whose minister the priest is, and in whose name and as whose representative, as well as in the name and as the representative of Christ, he officiates at the altar. “*Ut aliquando,*” says Dicastillo,³ “*legatus alicujus magni Principis aliquid petit ab alio Principe apud quem fungitur legatione, . . quia in ea dignitate et loco constitutus est*

¹ *De Eucharistia*, Disp. 19, sect. xii. n. 254.

² Sess. 22. *De Sacr. Missae*, Cap. 2.

³ *De Sacrificio Missae*, Disp. 3, dub. 3, n. 62.

ut quodammodo repraesentet personam ejus qui illum misit, *intuitu ejus pro quo legatione fungitur* obtinet quod alias non obtineret. . . Sic ergo sacerdos . . . exauditur a Deo, et impetrat, non solum quia tanquam minister Christi petit, sed quia, *quasi Ecclesiae legatus ad Deum destinatus*, admittitur a Deo dum petit," etc.

8. Thirdly, in fine, we are to enumerate among those by whom this Sacrifice is offered, all those who individually take part in it by any personal act, such, for instance, as being present at its celebration, assisting the priest as minister or server, preparing the altar for Mass, procuring its celebration by the giving of a honorarium to the priest, and the like. It is in this class we are to regard the officiating priest when viewed, not as the representative of Christ or of the Church, but merely as an individual. "Inter quos," says De Lugo,¹ speaking of this branch of the subject, "primum locum obtinet minister immediatus, seu sacerdos consecratus et celebrans; deinde qui ministrant, ut diaconus, subdiaconus, et alii ministri; postea alii circumstantes; illi etiam qui stipem dant, vel alio modo concurrunt ad oblationem sacrificii."

9. As to the full sense in which we are to understand the doctrine that the Mass is offered (1) by our Lord Himself, theologians are by no means unanimous. All, of course, agree that it is offered by Him at least in this sense, that the Mass was instituted by Him as a Sacrifice to be offered in His name, by His priests, to the end of time; that from His merits and atonement its essential efficacy is derived; and that by His power is wrought, at the moment of consecration, the change of substance² in which the Sacrifice

¹*De Eucharistia*, Disp. 19, sect. xi., n. 230.

²"Adverto, quando ad rationem veri sacrificii exigimus *destructionem* [victimae], nomine destructionis non semper intelligi *physicam*, . . . sed *destructionem vel physicam vel humanam*, ita ut ex vi sacrificiationis . . . habet [victima] statum aliquem declivorem, et saltem humano modo desierit. . . .

"Apud veteres, quibus, sicut erat magis frequens, sic etiam erat magis nota essentia sacrificii, invenimus aliqua sacrificari solita per talem destructionem humanam; v.g. quando vinum libabatur effundendo illud ex crateribus in terram in honorem Dei, illa *effusio* dicebatur libatio et sacrificatio . . . ; quia nimirum per effusionem *destruebatur humano modo* . . . ; jam enim non poterat deservire ad usus humanos sicut antea: quod sufficit ut dicatur humano modo destrui, licet in sua substantia non patiatur mutationem substantialem. Quo etiam modo sacrificabant projiciendo aliquid in mare vel in fluvium. . . .

"Hoc supposito, facile erit explicare quomodo consecratione ipsa sacrificetur Corpus Christi; nam licet ipsa consecratione non destruat

essentially consists. It is practically this view that finds expression in the form of intention usually set forth among the prayers in preparation for Mass, “Domine Jesu Christe, in unione illius divinae intentionis qua ipse *in ultima coena et in ara crucis* sacrificium Corporis et Sanguinis tui Deo Patri *obtulisti*,” etc.—a prayer composed upon the model of the preparatory prayer in the Breviary, “Domine Jesu Christe, in unione illius divinae intentionis qua ipse *in terris* laudes Deo *persolvisti*,” etc. And not a few theologians, of more or less eminence, in explaining the sense in which the Mass is said to be offered by our Lord, seem exclusively to consider the *past* general offering thus referred to.

10. But we have high authority for going much farther. It is the view of many theologians of the first rank—among whom it is sufficient to name Suarez and De Lugo—that in every Mass that is offered, our Lord, at the moment of consecration, by a present individual act of His will, offers Himself in sacrifice to His eternal Father: “*voluntate praesenti*, says Cardinal Franzelin, who also adopts this view, “*in singulis celebrationibus . . . se ipsum Patri aeterno offert*.” And, indeed, it scarcely seems any straining of the passage already quoted from the Council of Trent to understand it in the same sense; “*idem nunc offerens*,” are the words of the Council,¹ “*sacerdotum ministerio, qui se ipsum in cruce obtulit*.”

11. That the Mass is offered (2) by the Church, as comprising all the faithful in her communion, is to be understood, not, of course, in the sense that the individual members of the Church take part, by any personal act, in the offering of the sacrifice, but that the priest, in offering it, acts not merely as the representative of Christ, but also (n. 7), as the representative of the Universal Church, duly authorised by her to perform this solemn function as her ambassador before the throne of God, accompanying the offering with prayers which she

substantialiter, tamen destruitur *humano modo*, quatenus accipit statum decliviorum, et talem in quo reddatur inutile ad usus humanos corporis humani, et aptum ad alios diversos usus per modum cibi; quare humano modo idem est ac si fieret verus panis . . . quae mutatio sufficiens est ad verum sacrificium; fieri enim comestibile illud quod non erat comestibile, et ita fieri comestibile ut jam non sit utile ad alios usus nisi per modum cibi, major mutatio est quam aliae quae ex communi hominum mente sufficiebant ad verum sacrificium.”—DE LUGO, *De Eucharistia* Disp. 19, sect. v., nn. 65–67.

¹ Sess. 22, *De Sacr. Missae*, cap. 2.

has herself composed, and which she has enjoined upon him to recite, expressive of her wants.

12. The sense in which, in fine, the Sacrifice is said to be offered (3) by all those who individually take part in its offering, seems to require no special explanation.¹

13. It may be interesting here to transcribe from the Ordinary and the Canon of the Mass, some few passages in which the offering of the Sacrifice in the second and third senses, explained in the preceding paragraphs, is mentioned. Thus of the offering by the Universal Church we read:—

“Hanc igitur oblationem servitutis nostrae, sed *et cunctae familiae tuae*, quaesumus Domine ut placatus accipias,” etc.

“Unde et memores, Domine, nos servi tui, sed *et plebs tua sancta* . . . offerimus,” etc.

And of the offering by those who are present at Mass:—

“Orate, fratres, ut meum *ac vestrum* sacrificium acceptabile fiat,” etc.

“Et *omnium circumstantium* . . . pro quibus tibi offerimus *vel qui tibi offerunt* hoc sacrificium laudis pro se, suisque omnibus,” etc.

§ 3. *Statement of Questions regarding the Efficacy of the Mass.*

14. The questions of most practical interest and importance here discussed by theologians are the following:—Is the Mass of infinite or only of finite efficacy? Is its efficacy, to any extent, infallible? How far is it efficacious

¹ “In hac re considerandum est, hanc denominationem offerentium dupliciter posse fidelibus attribui: uno modo, *generalissima* quadam ratione, solum quia sunt membra Ecclesiae, cujus nomine sacerdos offert; secundo, *speciali* aliqua ratione ac titulo.

“Priori modo . . . talis denominatio . . . non potest sumi ab aliquo concursu actuali interno vel externo . . . potest haec denominatio *habitualis* seu *interpretativa* dici, nam hoc ipso quod aliquis est fidelis, censetur consentire omnibus sacrificiis quae in Ecclesia fiunt . . . ut suo etiam nomine offerantur. . . .

“Alio modo potest haec denominatio esse magis specialis, et sic requirit aliquem specialem concursum: et haec est magis propria denominatio offerentis. . . . Nam, in moralibus, qui aliquo ex praedictis modis cooperatur actioni potest ab illa denominari; sic etiam dicitur homicida, qui consulit vel comitatur homicidam protegendo illum; sic ergo in praesente dicuntur offerentes, qui aliquo modo cooperantur exterius oblationi.”—SUAREZ, *De Eucharistia*, Disp. 77, sect. iii. n. 3. [Ed. Vives, tom. 21, pp. 697, 8.]

ex opere operato, and how far merely *ex opere operantis*? To whom, and according to what law, are its fruits communicated? And how far can those to whom these fruits may thus in the first instance be communicated, voluntarily deprive themselves of them for the purpose of communicating them to others?

15. The undue length to which this paper should otherwise extend, renders it necessary to reserve the examination of those questions to the next number of the RECORD. When dealing with them, it will be seen to be of the first importance throughout to keep steadily in view the three aspects of the Sacrifice explained in the preceding paragraphs, regarding it as offered (1) by our Lord, (2) by the Church, and (3) by the priest as an individual, and by such of the faithful as by any personal act take part with him in the offering.

16. It will be necessary also to form a clear conception of the precise nature of the efficacy of the Mass as a Sacrifice (a) of *impetration*, and (b) of *propitiation*. With the exposition of these two points we may bring this paper to a close.

§ 4. *The Efficacy of the Mass as a Sacrifice of Impetration.*

17. The efficacy of the Mass in this respect is well explained by theologians as follows:—*Works or acts*, as distinct from prayers of petition, have not of themselves the efficacy of *impetration*. But they may indirectly acquire this efficacy. For, if done in the service of God, they are naturally efficacious to move His bounty in favour of those by whom they are performed. Manifestly, then, if performed in sustainment of a prayer of petition, they thus become *indirectly* efficacious for *impetration*. And so it is with the Mass. Its efficacy in this respect is thus explained by Dicastillo¹:—" *Oratio cum debitis circumstantiis facta . . . habet vim impetrandi, et multo majorem si illi adjungamus aliqua obsequia Deo accepta; multo ergo magis si hoc obsequium omnium acceptissimum adhibeamus . . . per illud mirum in modum commovemus munificentiam Dei ergo nos; decet enim Dei bonitatem ut ipse vicissim sit in servos liberalis, a quibus tantum ei obsequium offertur.*"

18. This point is dwelt upon with special emphasis by Suarez in more than one passage of his Treatise on the

¹ *De Sacrificio Missae*, Disp. 3, dub. 2, n. 54.

Eucharist. One of these is as follows:¹—"Impetratio proprie fit per orationem; per alia autem opera fit quatenus adiunguntur orationi, fiuntque in Dei obsequium . . . ut eum inclinemus ad id nobis concedendum quod petimus vel optamus; sed hoc sacrificium est magnum Dei obsequium, et illi valde gratum, et potest adjungi alicui petitioni seu desiderio obtinendi a Deo aliquod beneficium. . . . Nullum opus est impetratorium actualiter, nisi prout adjungitur petitioni."

19. The efficacy of impetration, as thus explained, is manifestly inherent in this sacrifice in each of its three aspects, already distinguished (nn. 6-8).

20. Regarded even, if we may use the expression, in its lowest aspect, that is to say, viewed merely (1) as a good work, performed, with due conditions, by the priest and by those who individually take part with him in the offering, it has not only this efficacy of impetration, but also the full threefold efficacy, so lucidly explained in these pages a few months ago.² For, as accompanying and giving strength to *prayers of petition*, it is calculated (a) to obtain the benefits for which we pray. It is also (b), in the sense there explained, *meritorious* of grace and of glory. And it is, in fine (c), a work of *satisfaction*, remitting or contributing to the remission of the debt of temporal punishment due for forgiven sins.

21. As offered (2) by the Universal Church, that is to say, in her name, (or, in other words, by the priest as her representative), the Mass cannot have the efficacy either of *merit* or of *satisfaction*; for these, as theology teaches, belong only to individual, personal, acts. "Ab Ecclesia," says De Lugo,³ "non accipit valorem ad merendum vel satisfaciendum; quia Ecclesia nunc non exercet libertatem actualem in actu oblationis, sed solum se habet sicut rex qui misit legatum."

The efficacy, then, of the Mass considered under this aspect, is the efficacy of *impetration*. "Habet," continues De Lugo,⁴ "haec oblatio, etiam prout ab Ecclesia, valorem ad impetrandum; ad hoc enim non requiritur libertas actualis, sed manifestare suam voluntatem illi a quo petit, sive haec manifestare fiat immediate, sive mediate per internuncium." On this point see also n. 7.

¹ SUAREZ, *De Eucharistia*, Disp. 79, sect. ii., nn. 5, 7.

² See I. E. RECORD (Third Series) vol. 3, n. 8 (August, 1882), "Leaves from the Note-book of an Old Theologian," pages 453, 454.

³ *De Eucharistia*, Disp. 19, sec. xii., n. 240.

⁴ *Ibid.*

22. As offered (3) by our Lord (or by the priest as His minister) the Mass is not, of course, *in itself* efficacious as an act either of *merit* or of *satisfaction*. "De Christo certum est," says De Lugo,¹ "non mereri vel satisfacere nunc actu per oblationem hujus sacrificii; quia nunc non est in statu merendi vel satisfaciendi." The *propitiatory* efficacy of this Sacrifice, then, consists in its efficacy as a means by which the merits and satisfaction of our Lord, consummated by His death on the cross, may be *applied* to the souls of men. As regards its efficacy of *impetration*, the case is different. For, altogether apart from the question how far the offering of prayer is consistent with our Lord's present state of triumphant glory in heaven, it is practically the common opinion of theologians that He constantly intercedes for us with His Father² by setting forth our wants, manifesting His earnest desires for our welfare, and pleading on our behalf by presenting before the throne of God His blessed humanity, and more especially those sacred wounds which at once proclaim His title of Redeemer, and testify to the earnestness of His advocacy on our behalf.³ And that the offering of every Mass is accompanied by such an act of intercession is but a plain inference from the opinion of theologians already set forth (n. 10), that each Mass is offered to God by a distinct, personal, present act of our Lord himself.⁴

23. Even apart from this, the impetratory efficacy of the Sacrifice as offered by our Lord, may be understood at least in this sense, that since the priest in offering the sacrifice, does so, primarily and mainly, as the representative of Christ, the favours, spiritual and temporal, for which he thus offers it are to be regarded as sought for not only by the priest, but also, and much more, by Him whom he represents, in somewhat the sense in which (n. 7), the prayers offered by the priest, as representing the Church, are to be regarded as offered by the Church.

¹ *Ibid.*, n. 239.

² "Semper vivens ad interpellandum pro nobis." Heb. viii. 25.

³ "Licet sit ita potens, ita altus, tamen cum hoc est pius, quia interpellat pro nobis. Interpellat pro nobis, primo humanitatem suam, quam pro nobis assumpsit, repraesentando, item sanctissimae animae suae desiderium quod de salute nostra habuit exprimendo, cum quo interpellat pro nobis." S. THOMAS. *In Epist. ad Hebraeos*, cap. 7, lect. 4.

"Vulnera suscepta pro nobis coelo inferre maluit, abolere noluit, ut Deo Patri pretia nostrae libertatis ostenderet." S. AMBROSIIUS. *In Luc. Lib. 10*, n. 170.

⁴ On this point see, for instance, Suarez, *De Eucharistia*, Disp. 77, sect. 1, n. 6.

There is, however, a difference of no little importance to be noted between the two cases. It will claim attention when we come to consider how far the impenetratory efficacy of this Sacrifice may be regarded as *infallible*.

§ 5. *The Efficacy of the Mass as a Sacrifice of Propitiation.*

24. The efficacy of the Mass in this respect is twofold: (a) for the remission of the *guilt* of sin, as an offence against God (*reatus culpae*), whether mortal or venial; and (b) for the remission of the *temporal punishment* (*reatus poenae*) due for sin forgiven. These two points are to be separately considered.

25. How then does the Mass operate for the remission of the *guilt* of sin? Is it in the same manner as the Sacraments, by the direct infusion of grace into the soul? Plainly not; although indeed this efficacy was assigned to it by some few theologians, in reference especially to venial sins, and by some few in reference even to mortal sins. It may, however, be regarded as the morally unanimous teaching of theologians, that the remission of sin, whether venial or mortal, obtained by virtue of this Sacrifice, is obtained, not immediately and directly, but only *indirectly* and *mediately*, inasmuch as by means of the Sacrifice the assistance of special graces may be obtained from God, inspired and aided by which the sinner may be led to perform those acts of penance without which he cannot obtain the remission of his sins.

26. The opinion of one or two theologians, that the aid thus obtained through the Sacrifice is an *efficacious* grace in the technical sense of the term—"auxilium efficax, illud scilicet cui Deus infinita sua scientia praevidet responsuram voluntatem, libere quidem, sed infallibiliter"—is not only without foundation, but is plainly refuted by the facts of almost everyday experience.¹ This point, however, will claim further attention when we come to examine the various questions regarding the *infallibility* of the efficacy of the Mass.

27. While theologians are practically agreed in thus explaining the efficacy of this Sacrifice for the remission of sin, they are at the same time careful to point

¹ On the various questions summarily referred to in this and the preceding paragraph, see Dicastillo, *De Sacrificio Missae*, Disp. 3, dub. 1, nn. 1-40.

out that its efficacy as a sacrifice of *propitiation* should by no means be regarded as an efficacy of *impetration* only.

28. The difference, however, is variously explained. Some theologians rely exclusively on the *greater certainty* of its operation when thus offered for the graces of repentance and conversion, than when offered in *impetration* for favours, temporal or spiritual, in any other case.¹

29. But De Lugo² explains the distinction as one not merely of manner or degree, but of a special mode of operation, distinguished by its object from that of mere *impetration*. In this case, he says, the Mass is not directed merely to the obtaining of graces: if it were, its efficacy would be merely of *impetration*. Its object as a *propitiatory* Sacrifice is to *appease* God, angered by sin. The withholding of graces is one of the ordinary chastisements by which God punishes the sinner. The Mass, then, as a *propitiatory* sacrifice is offered to appease His anger, and thus to remove an obstacle which should otherwise hinder the operation of the Sacrifice as offered in *impetration* for the graces leading to the remission of the sin. In sustainment of his view, De Lugo points to the words of the Council of Trent; "*hujus quippe oblatione placatus Dominus, gratiam et donum poenitentiae concedens, peccata etiam ingentia dimittit.*"

30. Other theologians, in fine, recognise no special efficacy beyond that of *impetration*, in the Mass as offered for the remission of the *guilt* of sin. They consequently explain its special operation as a *propitiatory* Sacrifice as consisting in its efficacy for the remission of *temporal punishment*.

31. As regards the remission of temporal punishment, theologians are agreed that the efficacy of the Mass is direct and immediate: the debt due being cancelled either wholly or in part, by the application of this sacrifice, in the same way as it is cancelled, wholly or in part, by the gaining of a plenary or of a partial Indulgence.

32. It is also certain that in addition to this primary efficacy for the remission of temporal punishment, "*per modum directae solutionis,*" the Mass is efficacious also for the remission of temporal punishment by way of *impetration*.

¹ See Dicastillo, *De Sacrificio Missae*, Disp. 3, dub. 1, n. 26.

² *De Eucharistia*, Disp. 19, sect. ix., nn. 140, etc.

33. It is necessary, however, here to distinguish between two ways that may be conceived of *praying* for the remission of temporal punishment. We speak, it is to be remembered, exclusively of prayer, *as prayer*. All works performed in a state of grace, and from grace, are works of *satisfaction*. But while prayer, like other good works, may thus have its expiatory effect, it has also its effect *as prayer*, its *impetratory* effect.¹ It is of this *impetratory* effect alone that I now speak. Now, as Suarez and, after him, theologians generally, observe, there are two ways in which we may pray for the remission of temporal punishment: (1) as an object to be granted as the *immediate and direct result of the prayer*, “*nullo actu hominis mediante*,” as Suarez puts it; or (2) as an object to be attained *through the intervention of works of satisfaction*, the direct effect of the prayer being (a) the granting of graces that may lead to the performance of those works, or (b) an act of the Divine mercy exercised in the acceptance of works of satisfaction done by others, and in the application of them to the remission of the temporal punishment due by the person for whose benefit the prayer is offered.² The question, then, is, whether the Mass is efficacious by way of *impetration* for the remission of temporal punishment in *either or both* of these two ways.

34. As regards the *latter* of the two, the question plainly is to be answered in the affirmative. There can be no doubt that it is within the arrangements of God's Providence (a) to grant such graces, and also (b) to accept and to apply for the remission of temporal punishment works of satisfaction thus performed. Here, then, as elsewhere, we are to be guided by the principle laid down by Suarez,³ “*quidquid per orationem impetrabile est, potest per hoc sacrificium impetrari; semper enim offerri potest, ut quaelibet justa oratio exaudiat, dabitque illi efficaciam atque impetrandi virtutem*.” See n. 17.

35. And as regards the *former*, it is evident from the principle just now laid down, that, as De Lugo observes, this question is in no way special to the Sacrifice of the Mass, but applies equally to every prayer of impetration, and to every such prayer, whether offered by *viatores* on earth, by the blessed in Heaven, or by the suffering holy souls in purgatory. The only doubt, in fact, that can arise in reference to it is, whether the manner of remission thus con-

¹ See I. E. RECORD (Third Series) vol. 3, n. 3 (August 1882), p. 455.

² See Suarez, *De Eucharistia*, Disp. 79, sect. vi., n. 4. ³ *Ibid.* n. 5.

templated is within the arrangements of God's Providence. Suarez, while affirming that it is a pious and probable opinion that the remission of temporal punishment may thus be obtained as the direct and immediate result of prayer, hesitates about admitting its truth. On the other hand, De Lugo, and, as it would seem, the majority of theologians, adopt the opinion as their own. The question, however, as I have observed, belongs exclusively to another section of theology. As regards the special question of the efficacy, in this respect, of the Sacrifice of the Mass, it is to be solved by the application of the principle quoted in the preceding paragraph: "*quidquid per orationem impetrabile est, potest per hoc sacrificium impetrari.*"

36. In the next number of the RECORD we shall examine the various questions specified in an earlier portion (n. 14) of this paper.

WILLIAM J. WALSH.

CLONMACNOISE, OR THE SEVEN CHURCHES.

"Majorum gloria, posterum lumen est."

I STATED in my last essay that St. Ciaran and King Diarmid providentially met at Clonmacnoise in 448, and there laid, in the manner already described, the foundation of the "Eglais Beg," or Little Church. Now, as the account of what occurred on that distant but still fruitful occasion seems fanciful, I think it advisable to put forth at once the proofs of its veracity.

I will advance only two, as I consider them quite sufficient.

The first is to be found in a Tract on the foundation of Clonmacnoise in the Leabhar Buidhe Lecain. This manuscript may be seen in Trinity College, Dublin, and is classed H. 2, 16. It treats not only of the foundation of Clonmacnoise, but also of the succession of Diarmid, the son of Fearghus Ceirrbheoil, in the sixth century, in whose reign Tara was deserted and ceased to be occupied by the Monarchs of Erin.

The second proof I advance is to be found on the face of that magnificent stone cross still standing within the precincts of this venerable Abbey. On this beautiful work of

art, and one admittedly equal to the highest efforts of genius and skill in this department, are sculptured many subjects of deep interest. Amongst them are to be found two figures representing two men holding an erect pole between them. Now, whatever date may be assigned to the erection of this noble cross (and I admit it to be a controverted point amongst the learned), there is no doubt that the figures referred to were intended to commemorate the manner of the foundation of the "Eglais Beg," the history of which then at least was implicitly believed.

I will now leave this splendid work of art, with the intention of returning to its figures and history before I have finished my last paper, and go back to St. Ciaran.

We left him with the Monarch Diarmid, holding his hand above the King's hand, in planting the first pole of the little church. Thus was commenced and raised by these two great men the first church of that group which afterwards became so celebrated.

It is also stated in ancient records that the King not only aided the Saint with his own hands in the erection of the sacred edifice, but also in the construction of the humble cell adjoining in which Ciaran lived and died.

The King was to the Saint, in a temporal sense, friend, brother and father. To Ciaran, Diarmid was a beloved name, "*Carum et venerabile nomen.*" For there was another Diarmid, and he was his spiritual teacher, friend, and father. St. Diarmid, of the Seven Church Island, Lough Ree, in the Shannon, was he. He was not only Ciaran's spiritual director and teacher for a time, but he also baptized him.

Assuming this statement to be an historical fact (and it is supported by respectable authorities), it would favour the opinion asserting Mag Ai, County Roscommon, to be the birth-place of Ciaran. For St. Diarmid lived and died in *Inis-clothran*, or *Inchelardun*, now commonly known as *Seven Church*, or *Quaker's Island*. The latter name it got, because a Quaker took up his residence on it some years ago. Bathed by the spreading and majestic waters of the Shannon in Lough Ree, this island adjoins Roscommon, and would be within easy distance of Mag Ai, for the baptismal regeneration of Ciaran.

I cannot leave this truly romantic and charming spot, and St. Diarmid, without recording what Mr. O'Donovan tells us he heard on the occasion of his visit to these parts when engaged on the Ordnance Survey. He states that

the boatmen (three in number) who rowed him to Seven Church Island, declared that they saw, three weeks previously, about noonday, a tall and stately figure walk with measured step along the waves from this island towards Athlone. They asserted they saw (each and all) at the same time the apparition, plainly and distinctly, as far as their vision could reach, in the direction of Hare Island, and that they believed it to be the form of St. Diarmid, or at least one of the saints belonging to the island.

Be that as it may, the inhabitants of the parish of Cashel have a profound veneration for the memory of St. Diarmid. Tradition handed it down to them from sire to son, and to-day his memory is in benediction amongst them almost as freshly as it was ages ago. Under the devoted and enlightened pastorship of the distinguished P.P., the Rev. Michael Gilligan, who now guides the religious destiny of this people, we may truly say the Saint's honour, veneration, and memory are in safe keeping. His feast falls on the 10th January.

Ciaran was the worthy son of such a spiritual father.

And here I will make a little digression.

The Right Rev. Dr. Moran, Bishop of Ossory, tells us with all that grace and accuracy for which his historic pen is so remarkable when writing on Irish Ecclesiastical affairs, that Ciaran and St. Colomba met in the halls of the great schools and were intimate friends. In his life of the future Apostle of Iona, the Bishop incidentally remarks that Colomba, like Ciaran Macantsoir, was placed from his earliest age under the guidance of a pious and holy priest. Whilst under his guardianship, Adamnan informs us, that an angel appeared to Colomba and asked what special virtues he desired most. The saintly youth replied that he desired before all others "virginity and wisdom." Not long after, Colomba being engaged in prayer, three maidens arrayed in heavenly light, appeared before him. But the holy youth heeded them not. They asked, "dost thou not know us?" He was silent. "We are the three sisters *Virginity*, *Wisdom*, and *Prophecy*," and we are sent by God to be your inseparable companions during your earthly pilgrimage."

At another time, while Ciaran and Colomba were engaged in their studies under the same collegiate roof, two brilliant lights were observed in the heavens having their rays concentrated on the monastery. One was

silvery as the moon and the other golden as the sun. The holy Abbot and Bishop Finnian, afterwards stated in his explanation of this vision that Colomba would be as the golden sun, whilst Ciaran Macantsoir would shine as a silvery light on account of his virtues and his deeds. The prophecy was literally verified. These two great and holy men shone in their day, and, I may add, to the present time, the one as the sun and the other as the moon, in our collegiate and monastic horizon.

And now my memory goes off to the Angelical Doctor and the vision he had in the church of St. Dominick, at Naples. St. Thomas was in the habit of praying in the church before the hour for matins, and the friars were aware, but more especially Father Reginald, that the angelical received extraordinary favours from our Lord on such occasions. Fra Dominico being anxious to witness St. Thomas in the enjoyment of these spiritual favours, concealed himself one night in the church. Thomas came in when all were at rest and approached the crucifix of our Lord, in the chapel of St. Nicholas, and remained there a considerable time. He was afterwards lifted two cubits in the air in an ecstasy and so remained for a long time. Whilst the saint was entranced, Fra Dominico heard Christ's voice distinctly saying from the image :—

“Thoma, bene scripsisti de me; quam recipies a me pro tuo labore mercedem?” “Domine non nisi te,” was the answer. I know there are some who read visions with sceptical and unbelieving eyes. I know they would as soon give credence to the dream of Socrates and the coming of the young swan from the groves of Academus and nestling in his bosom, and then soaring aloft, “how she sang sweetly over him.” As well might it be expected that the un-Catholic mind would believe in the tale of the bees, said to have poured honey into the mouths of infants fast asleep in the bowers of myrtles on Mount Hymettus.

Such persons, however, do not know anything of God's ways and relations to his saints. They rejoice in their hard heads, and we do not envy their joy.

I have observed already that Diarmid of Church Island in Lough Ree was the spiritual father, friend, and teacher of Ciaran's early life; whilst Diarmid the monarch was his temporal friend and supporter. I will now add that another Diarmid was privileged to attend St. Colomba in his last moments in Iona, and to speak to him the last

words before the altar in the chapel at Iona on that memorable Sunday morning, the 9th June, 597, when Colomba's virginal soul went back to his Creator.

Another reference during their earthly life to Ciaran and Colomba, and I have finished.

One day in the course of conversation between these young Saints, the new church which the holy Abbot Mobhi had just erected, turned up.

Ciaran said he wished "it were full of holy men who, by night and day, would sing the praises of God." St. Colomba said "he would wish it were filled with silver and gold to afford relief to Christ's poor, and build churches and monasteries."

The venerable Abbot heard of what they said, and prophesied that those holy youths would receive favours from heaven in accordance with their pious wishes. The prophecy was literally fulfilled in Ciaran's case, not during his earthly life, it is true, but not long after his life in heaven, began. Young and old, peasant and prince, the votary of learning and the aspirant to evangelical perfection—noble and king—crowded to Clonmacnoise in search of peace, wisdom, and virginity.

A celebrated pagan poet represents the human race in anxious pursuit of a place called Olympus, where, in rich poetic fancy, he dreamed there was an ever tranquil abode of the gods, never shaken by winds, nor wet by showers, nor covered by snow, where the hardened frost does not annoy, and the sky is ever pure and cloudless, and a bright glory overspreads.

Apparet divum numen, sedesque quietae
Quas neque concutiant venter, nec nubila nimbeis
Aspergunt, neque nix acri concreta pruina
Cana cadens violat ; semper sine nubibus aether
Integer et large diffuso lumine ridet.

Tennyson, in his *King Arthur*, translates it briefly and beautifully :—

"Where falls not hail or rain or any snow,
Nor ever wind blows loudly."

Such places the pagans, of course, never found, except in poetic dreams ; but St. Ciaran and men like him did establish at Clonmacnoise and elsewhere not such an elysium as refined Grecian and cultured Roman sighed for in vain, but an abode of sanctity and peace, prayer and

labour, study and learning, sacrifice and song, in honour of the one true God and the ever Adorable Trinity, and for man's real happiness. In this old monastery of Clonmacnoise and elsewhere were fully realized in the spiritual and mystic sense what Virgil wrote :—

“Conspicit ecce alios dextrâ laevâque per herbam,
Vescentes, laetumque choro paeana, canentes,
Inter adoratum lauri nemus ; unde superne
Plurimus Eridani per sylvam volvitur amnis.
Hic manus, ob patriam pugnando vulnera passi,
Quique sacerdotes casti, dum, vita manebat,
Quique pii vates, et Phoebæ digna locuti.”

AEN. VI., 656.

But let me return from this digression to the Saint and the King. Soon after they had erected the little church and cell, Ciaran was called to the reward of his labours.

In the year immediately following the laying of the foundation, a terrible pestilence swept over the land, carrying with it many a young, as well as middle-aged, useful and vigorous life.

To this terrible plague Ciaran fell a victim. In the 33rd year of his age (a remarkable year), quievit in Domino, A.D. 449, and it is added in the Annals of Clonmacnoise that his body was buried in the “Little Church” at Clonmacnoise : “Beati mortui qui in Domino moriuntur.” His feast is celebrated on the 9th of September, each recurring year and during the Octave, in this Diocese of Clonmacnoise, where it is a double of the first class. The venerated Bishop, Dr. Woodlock, who now rules Clonmacnoise so gently and wisely, has through his great zeal and devotion for the Saint's honour and veneration, composed and written with his own hand, Lessons proper to St. Ciaran's Feast, and has obtained the approbation of the Holy See for them.

“Sancte Kierane, ora pro nobis.”

JOHN CANON MONAHAN, D.D.

HERETICS AND THE LAWS OF THE CHURCH.

NEVER was the fundamental doctrine of the Reformation more clearly expressed than in Luther's daring counsel—"Let us beware of sin, but much more of *laws* and *good works*, and let us attend only to the promise of God and to faith." It had been the fashion in old-world times to speak of man as having the law of nature written on his heart in characters which, no matter how illiterate, he could readily decipher; while, if a Christian, he was over and above supposed to become through baptism a debtor to the whole law of Christ and of his Church. But as in dress, so likewise in doctrine, fashions change for those who admit them, and all at once in the returning light of the sixteenth century, instead of adding to the natural obligations, baptism was held to free the Christian from every law human and divine with the single exception of the one all-necessary and all-sufficient law of *faith*.

This was novelty with a vengeance. But novelty was not the only, not even the principal charm of the doctrine of justification by faith alone. The unbridled licence to act against law which it sanctioned and which was formally proclaimed in the maxim, "*Pecca fortiter, crede fortius*," proved unfortunately a powerful attraction in the camp of the Reformers. Accordingly many joined the broad way, deceiving themselves and deceived by others. Soon, however, the lamentable effects of such teaching were painfully apparent, and a reaction set in. The doctrine of Luther did not afford a good guarantee for social order, and curiously enough, after a few years, no greater enemies of its practical application were to be found than the governing bodies in those Protestant communities which had been called into existence on the basis of its advocacy. Still it remained for that Church whose doctrine was in the sixteenth century what it had been in the first to deal a death-thrust to this irrational system by proclaiming the additional obligations which baptism imposes on the recipient thereof. Accordingly, the Council of Trent defined that baptized persons are debtors to the whole law of Christ, and not merely to faith. In other words, they are by baptism under special obligations to which the unbaptized need not attend. We now proceed to examine the reasons for this teaching, with the view of finding whether or not the law of the Roman Catholic Church is binding on heretics.

Baptism is with reason called the door of the Church. It is, indeed, the only entrance into the Mystic Body of Christ. No one who fails to knock thereat can obtain admittance, and everyone who passes therethrough, no matter by whom admitted, at once and of necessity receives the full rights of membership. The unbaptized are "foris" in the language of St. Paul,¹ but for the baptized there is no exception or restriction. Be the minister of the sacrament an Indian Brahmin or a Scotch Covenanter, be the parents as far removed from Catholic unity as the limits of perversion will allow, no sooner is the sacred ceremony performed than the bars are undone, and the gates of the heavenly city thrown open to the happy neophyte. It is by baptism that the children of the Church are begotten, her members co-opted, her subjects enrolled. The effect of the saving waters is the same for the offspring of Catholic and of Protestant. All alike are made friends of God, children of the Church, and heirs of heaven.

But soon the parity ceases, if not altogether, at least in great measure. As a rule, the misfortune of being born of non-Catholic parents ere long manifests itself in steadfast adhesion to their errors, and thus many of those who by baptism were incorporated in the Church, by degrees fall away from her "body" and from her "soul," and cease to be her members.

But, though public heretics cannot be considered members of the Church, it by no means follows that the membership received in baptism does not bind them permanently to her jurisdiction. On the contrary, though the birth-right be sacrificed and the privileges accruing from baptism destroyed, there still remains intact that duty of allegiance to which they irrevocably bound themselves the day they became Christians. Heretics are, to be sure, at war with the Church's authority, and cut off as refractory members from her communion, but neither rebellion on the one hand nor repudiation on the other avails to erase the seal impressed by baptism. It is indelible besides being spiritual, and as well might one dream of removing it by cauterizing the incorporeal substance of his soul as imagine that he can, by defying Church authority, free himself from the allegiance of which it is the everlasting token. Both, by Divine institution, go hand in hand. As the circumcised of old were debtors to the whole law of the Synagogue, so in

¹ I Corinth. v. 12.

Christian times are baptized persons to the whole law of the Church. He who hears not her voice breaks the command of Christ, whose injunction to baptize and teach imposes a correlative obligation to receive baptism and to listen to instruction. Nor does the violation of this command exempt from its further observance. As a pledge is not got rid of by breaking it; as a sheep which strays from the fold but retains the shepherd's mark does not cease to belong to him; as a soldier who deserts to the enemy remains a subject of the king to whom he swore fidelity;¹ so by Christ's ordaining, no amount of rebellion will exempt a Christian from obedience to the authority to which he was once and for ever surrendered in baptism. In this particular matter as well might the subject attempt to disown allegiance as the ruler to renounce jurisdiction.

“Dices : ergo neque haeretici obligantur his legibus, quia illi etiam non sunt membra Ecclesiae, neque habent fundamentum fidei, sine pro praecepta Ecclesiastica, quae ad salutem animae et cultum Divinum ordinantur, nec functuose nec vere observare possunt. Resp. nego consequentiam. Supponimus enim quaestionem esse de haeticis baptizatis. qui generalius apostatae dici possunt; sive ad judaismum sine ad paganismum, sine ad propriam haeresim translatis sint. De his ergo omnibus negatur consequentia quia sunt vere subjecti ecclesiasticae jurisdictioni : nam retinent characterem baptismalem, quod est fundamentum hujus subjectionis. Et licet secundum praesentem statum non sint absolute membra, tamen aliquando fuerunt membra, et contra jus Ecclesiae acquisitum deliquerunt, se ab illa separando, semperque ad illam redire cogi possunt, quia signum ecclesiasticae jurisdictionis semper in se retinent, et ratione illius veluti incohationem quandam habent membrorum Ecclesiae. Unde fit ut ejus praeceptis obligentur et contra illa peccent ea non servando. Neque refert quod non habeant fidem sine qua illa praecepta observari non possunt, quia fidem habere possunt et per illos stat quominus non habeant, et ideo ex eo capite non excusantur. Sicut peccator carens gratia non excusatur ab obligatione praecepti communicandi, quia potest se ad gratiam praeparare. Praeterquam quod multa praecepta ecclesiastica possunt quod substantiam servari ab haeretico in eo statu permanenti; potest enim jejunare solvere decimas,” &c.²

This is the unanimous opinion of theologians. With the exception of Tabaraud, no one questions the power of the Church to make laws binding on the conscience of every man whose soul has the *character* of baptism

¹ Cf. Perrone. De Matrim. Christian. Lib. ii., sec. 1, p. 188.

² Suarez. De Legibus. Lib. iv., c. 19, n. 2.

impressed upon it. The controversy does not regard the *right* of the Church, which is undisputed among Catholics, but the *intention*, the *wish*, to use her high prerogative of binding persons outside the Catholic communion. On the one hand it should appear strange if the Church exempted heretics, thereby conferring on them privileges never accorded to her own faithful children; on the other, little apparently is gained to religion by pressing the observance of laws on those who are sure to disregard them, particularly as the mischief resulting among heretics from being bound and not fulfilling would be deplorable in the extreme. The law which establishes one of the diriment impediments of matrimony is a case in point. For, how many marriages are void amongst Protestants if third, second, and even first cousins cannot contract validly? What Suarez holds on the general question is plain enough from the above quotation; and subsequent writers have only reiterated his statement. Schmalzgrueber, however, and some others make exceptions of the *impediments*, and consequently hold that marriages contracted by Protestants within the forbidden degrees are valid on the score of ecclesiastical law. This brings us to a closer investigation of the arguments on both sides.

First of all, it seems pretty clear that whether heretics are bound by the laws of the Church or not, they do not as a general rule commit formal sin by failing to observe them. Many Protestants are *bona fide*, and therefore ignorant of any obligation to enter the Catholic Church; while of the others who are *mala fide*, very few so much as dream of an obligation of observing the laws of the Church prior to joining her communion. So much for formal sin. The question of material offence is not so easily settled. A distinction is generally drawn between heretics who form a separate religious community and those who are not numerous enough in a district for that purpose; also between laws with binding force before the formation of a particular sect and those subsequently enacted. Manifestly, if it can be shown that heretics who form distinct religious bodies are bound by the laws of the Catholic Church, it follows at once *a fortiori* that dispersed individuals are not free from them. We for the present deal with communities and in connection with laws which were in force before their formation. Here, then, is the difficulty: those who founded the various Protestant sects in the sixteenth cen-

tury had been subject to the Catholic Church previous to rebelling against her authority; since then they have contemned her jurisdiction and defied her laws; has the result been freedom for them from the binding effect of her disciplinary decrees? Without the Church's consent no such result could be obtained. Has that consent been given expressly or otherwise? Thus we come to the question of custom, and, as it is not contended that those who apostatised in the first instance were rewarded for defection by immunity from the laws against which they rebelled, on the customs prevalent among Protestants is founded the main argument in favour of their exemption. What, then, is the value of heretical customs?

For custom against a law to have the effect of setting aside the obligation of that law, the legislator's consent in favour of the custom is absolutely necessary. This necessary consent is, however, of two kinds; for it may be either *personal* or *legal*. It is *personal* if the legislator or his successor, aware of the prevailing usage, gives his sanction thereto, if not expressly, at least tacitly by not protesting where he can do so without serious inconvenience. *Legal consent* is that which a superior is held to give by reason of his accepting the legal maxim, that the obligation of a law ceases when the custom against it is *reasonable and duly prescribed*. Provided these qualities are present, the legal consent of the legislator, who is not supposed to be aware of the usage at all, will make the custom legitimate and valid. Consent of either kind, then, suffices, and if Protestant customs count for anything, it is because in one or other form sanction is given to them. Those who maintain the exemption of heretics rely almost exclusively on the *tacit personal* consent which is supposed to be given in case of the impediments on account of the number of marriages which should otherwise be invalid; and though the matter might be cut short by dealing at once with the question of *personal* intention, it seems better to decide, in the first place, whether these customs can be considered *reasonable*, as, if they be proved to be *unreasonable* in Canon Law, there will be less surprise at evidences of the Pope's personal disapproval to be afterwards cited.

About the necessary period for prescription there can be no question here. All will admit that more than a sufficient number of years has elapsed since the Reformation. On the other hand, the second condition for *legal consent* seems to be wanting. For *reasonableness* a custom

must be neither *opposed* to the *Divine law* nor *reprobated* in the *canon law*. Hence customs which are an occasion of formal sin, customs which tend to bring contempt upon the Church, or to destroy ecclesiastical discipline, lack the quality—they are opposed to the law of God. Now, heretical customs seem to belong to this category; in the language of Carrière,¹ a custom cannot be held to be reasonable “which grows out of pertinacious error against Catholic faith, which directly tends to contempt of the true Church by which it is intended to establish Protestant error, through which licence to sin is afforded and the state of the Universal Church deformed.” What heresiarchs most desire is to destroy the Church and her laws; the customs which they begin are intended for this purpose, and certainly it passes credulity to suppose that the Church considers reasonable violent blows directed at her authority and existence. Besides, such ill-advised generosity would tend to reward iniquity, breed contempt for Church authority, and encourage heresiarchs in their efforts to extinguish obedience to the Roman Pontiff. We conclude, then, that heretical customs in wholesale disregard of ecclesiastical law, are highly unreasonable, and therefore perfectly useless for the purpose of removing its obligation.

Nor can it be held that the quality of *unreasonableness* disappears with the disappearance of all hope of recalling the sectaries to the Catholic Communion. Even after they settle down permanently in their distinct religious bodies, it is still true to say, that their exemption would be the reward of rebellion in the past and its encouragement in the future. Now, the evil of abetting heresy, even indirectly, means much greater injury to the Christian world than is implied in permitting church law to be violated where the transgressions are only material, or where, if formal, the guilt is entirely traceable to the malice of the heretics themselves. Again, it does not appear that we can except those customs among Protestants, which would be considered *reasonable* if they existed among Catholics, and for the reasons already stated. There might be some ground for making such an exception if the customs in question did not form part of a systematic opposition to Church laws. This seems to be the case where Protestants are the sole inhabitants of a district, and elsewhere there would be the

¹De Matrim., vol. I., pars. III., n. 609.

additional objection that they cannot count as the "major et *senior pars populi*." Hence, we conclude, the customs of acting against ecclesiastical laws prevalent among Protestants, are *unreasonable* in Canon Law, devoid of *legal* consent from the Church, and therefore utterly worthless unless fortified with some other sort of sanction. This leads to the most important portion of our inquiry, the question of *personal consent*, better called perhaps in this instance *personal dissent*.

Hitherto we have kept the impediments apart as far as possible from the general question, but as they are specially excepted by some theologians, and as the evidences which we are going to produce of the Pontiff's mind on this subject came forth mainly in connection with them, the laws by which they are established must henceforth receive special attention. Indeed, the argument is an *a fortiori* one, for the theologians who hold heretics exempt from the impediments, do so by way of exception to the general principle which they freely admit—that all, even heretics, are bound by the laws of the Church. To prove the exception several arguments are used to show the existence of the legislator's *personal* consent in its favour. We give the principal of them.

First, without any corresponding advantage, the Church provokes the aversion and hostility of non-Catholics, by branding their wives and children with notes of infamy, if she presses upon them the observance of these impediments in circumstances in which she well knows they are to be totally disregarded. On this argument Schmalzgrueber relies for showing that heretical customs may be *reasonable*, if not in themselves, at least from considerations of public peace and conciliation, to the extent of enabling the Church to give *personal tacit* consent.

Secondly, if the obligation be pressed, then is the Church the cause of the invalidity of innumerable marriages among not merely *mala fide* heretics, but even among those who are *bona fide*, and as a consequence she is chargeable with all the evils that follow to individuals and to society from so many invalid alliances. But assuredly it is to be supposed that rather than incur such responsibility a merciful ruler like the Church sanctions prevalent usage with tacit consent.

Thirdly, the legislator's mind is made abundantly clear from the well-known fact that in several places converts

are never asked about impediments on the occasion of being received into the Church.

These arguments, it will be observed, the last excepted in which a *fact* is alleged, are *a priori*, and go to show what the Church might be expected to do. Her own declarations constitute the best authority we can have, whether in reference to the value of the *presumption* or the nature of the *fact*. We purpose to consider them in the next number of the RECORD.

PATRICK O'DONNELLI.

CHARLES O'CONNOR OF BELINAGARE.

THE Irish literature of the eighteenth century, at the beginning of which Charles O'Connor was born, and towards the close of which he died, cannot be characterised as remarkable for deep research into the domestic records of our country. True it is, indeed, that Ireland gave to this century writers whose work and fame shall live while freedom is loved and civilization endures. Jonathan Swift, George Berkeley, Edmund Burke, Oliver Goldsmith, Richard Brinsley Sheridan, are names which pale not beside an equal number of any age or nation. True it is, also, that the galaxy of orators, of which the "ever glorious Grattan," was the "bright, particular star," made, in that age, the "Old House" on College-green, one of the most brilliant schools of eloquence the world has ever seen. But we miss from the literature of this century that profound research into the ancient, original authorities, the manuscript materials of Irish History and Antiquities, which renders the century immediately preceding, one of which we are so justly proud. With the "parting cry" of the "wild geese," the love of the ancient glory of the Gael seemed to have died away for ever from the land. With the exception of him whose name heads this paper, his age can show no writers worthy to be named with Usher, Lynch, Fleming, Colgan, Ward, Stephen White, Wadding, Ware, O'Flaherty, The Four Masters, Keating, and M'Firbis. Much nearer has our own time approached the zeal, learning, and patriotism of those eminent Irishmen who, at home and abroad, have given to Irish History and the Irish race a

"local habitation and a name" in the literature of Europe. O'Donovan, O'Curry and Petrie, Graves, Reeves, Todd, and Matthew Kelly of Maynooth, are much more akin with these distinguished writers in learning, taste and feeling, than Harris, Smith, Leland, Brookes, Curry, or Vallancey. Nor is the reason far to seek. Through all the storm and strife of the seventeenth century there was yet an Irish nation, recognised by friend and foe, battling bravely for its own. With the capitulation of Limerick the struggle ceased. The Celtic race vanished, as it seemed for ever, from the stage of Irish History. The perfidiously violated Treaty left to the Religion of the Irish people no existence before the all-powerful, but never more misnamed, "laws" of the land. The ancient chiefs and nobles, robbed of their estates, were exiles in foreign countries, or ploughing for foreign masters the soil they once had owned: grateful, if even so, they were allowed to live. Deprived of every right of freemen, the iron of slavery piercing their very souls, their only desire seemed to be that the attention of their tyrants might not be drawn upon them, lest they should lose even the poor boon of life in vilest slavery. For them there was no history of the past as there was no hope of the future. When that terrible night of despair drew to an end, and hope pictured to wearied eyes the glimmering dawn brightening into perfect day, the love of the Irish race for the records of their ancient glory, which had seemed dead in the dust, revived and put forth again bud and blossom, flower and fruit.

Charles O'Connor of Belinagare was the most widely known and representative Catholic Irishman of his time. He stood alone amongst his contemporaries in his knowledge of the Irish language and literature. His judgment was deemed decisive on any question connected with Irish History or Antiquities; and the opinion of his own day has been confirmed by men like O'Donovan and O'Curry in ours. Lord Lyttelton, in his *Life of Henry II.*, mentions that he had been supplied with extracts from the ancient annals of Ireland "translated from the original Irish by a gentleman well-skilled in that language, Charles O'Connor, Esq., who with the noble blood which flows in his veins has naturally inherited a passionate love for the honour of his country, and therefore willingly assists in any undertaking that may render the history of it more known and more complete." When, about the year 1755, Brian O'Connor of Kerry was undertaking to write a history of the

principal Milesian families of Ireland, General O'Donnell, then at Eilau, in Germany. promised to subscribe one hundred florins to assist him in the publication, if Mr. O'Connor of Belinagare would certify that he was competent for the task; and we find Brian O'Connor expressing his intention of submitting the whole work to C. O'Connor, before attempting to publish it, thus showing the value set on his judgment at home and abroad. Edmund Burke, writing to General Vallancey, exhorting him to publish a translation of some of the old Irish Annals, says:—"But if any accident should happen to you and to Mr. O'Connor, what security have we that any other like you should start up?"

These two letters from Samuel Johnson show, at the same time, the celebrity of his correspondent and the interest of the great literary Dictator in the history and antiquities of Ireland.

TO CHARLES O'CONNOR, ESQ.

LONDON, *April 9, 1757.*

"SIR,—I have lately, by the favour of Mr. Faulkner, seen your account of Ireland, and cannot forbear to solicit a prosecution of your design. Sir William Temple complains that Ireland is less known than any other country as to its ancient state. The natives have had little leisure and little encouragement for inquiry; and strangers, not knowing the language, have had no ability.

"I have long wished that the Irish literature were cultivated. Ireland is known by tradition to have been once the seat of piety and learning; and surely it would be very acceptable to all those who are curious either in the original of nations, or the affinities of languages, to be further informed of the revolution of a people so ancient, and once so illustrious.

"What relation there is between the Welsh and Irish language, or between the language of Ireland and that of Biscay, deserves inquiry. Of these provincial and unextended tongues, it seldom happens that more than one are understood by any one man; and therefore it seldom happens that a fair comparison can be made. I hope you will continue to cultivate this kind of learning, which has too long lain neglected, and which, if it be suffered to remain in oblivion for another century, may, perhaps, never be retrieved. As I wish well to all useful undertakings, I would not forbear to let you know how much you deserve, in my opinion, from all lovers of study, and how much pleasure your work has given to,

"Sir, your most obliged and most humble servant,

"SAM. JOHNSON."

The following letter, written twenty years after the above, is alluded to by Mr. O'Connor, in the preface

to the second edition of his "Dissertations on Irish History," p. 3:—

"TO CHARLES O'CONOR, ESQ.

"May 19, 1777.

"SIR,—Having had the pleasure of conversing with Dr. Campbell about your character and your literary undertaking, I am resolved to gratify myself by renewing a correspondence which began and ended a great while ago, and ended, I am afraid, by my fault; a fault which, if you have not forgotten it, you must now forgive.

"If I have ever disappointed you, give me leave to tell you that you have likewise disappointed me. I expected great discoveries in Irish antiquity, and large publications in the Irish language; but the world still remains as it was, doubtful and ignorant. What the Irish language is in itself, and to what languages it has affinity, are very interesting questions, which every man wishes to see resolved that has any philological or historical curiosity. Dr. Leland begins his history too late: the ages which deserve an exact inquiry are those times (for such there were) when Ireland was the school of the west, the quiet habitation of sanctity and literature. If you could give a history, though imperfect, of the Irish nation, from its conversion to Christianity to the invasion from England, you would amplify knowledge with new views and new objects. Set about it, therefore, if you can: do what you can easily do without anxious exactness. Lay the foundation, and leave the superstructure to posterity.

"I am, Sir, your humble servant,

"SAM. JOHNSON."

A well-drawn character of Mr. O'Conor appeared immediately after his death, in the "Gentleman's Magazine" for August, 1791. The chief source, however, from which these notices are drawn is "The Memoirs of the Life and Writings of the late Charles O'Conor of Belinagare, Esq., M.R.I.A., by his grandson, the Rev. Charles O'Conor, D.D." These Memoirs were never published. The first volume was printed in 1796; the second, though prepared for the press, was never even printed. Of these Memoirs the author of that very able, delightful, and edifying biography "Mary Aikenhead; Her Life, her Work, and her Friends," remarks—"The first volume, printed in 1796, was never published. A few copies were given to friends, and the remainder were destroyed by the author under the apprehension that its publication might injure the family. The second volume which Dr. O'Conor considered far more interesting, was not even printed. The MS. was burned, at his request, by the friend to whose care it had been

entrusted. The surviving volume, full as it is of valuable and interesting matter, is out of the reach of general readers. It is not to be found in every gentleman's library; nor in every public library. The copy in Trinity College, Dublin, cost, we believe, £21; that in the King's Inns' Library was disposed of at the sale of the Duke of Sussex Library in 1844."¹

We do not believe that fear of injury to the family was the motive which caused the suppression of the *Memoirs*. We are of opinion that the true reason is to be found in a change in the sentiments and views of the author regarding Irish affairs, to which he had given expression in this work. For the same reason, as it seems to us, having adopted principles totally at variance with his, he sought in subsequent publications to throw discredit on the learning and accuracy of the historical writings of his distinguished grandfather, which he extols in the *Memoirs*.

In a letter to the historian Plowden, written from Stowe, Bucks, in 1802, we have his own account of the suppression of the work:—"It is true that, some years ago, at a period of extreme political intemperance, and when the minds of all our body were exceedingly agitated, I was induced to compile, with a haste that could only be justified by my good intentions, the *Memoirs* you allude to. They never could be supposed to be a regular, temperate, and studied system of history. They were, in fact, little more than historical anecdotes, rescued from the libels of such writers as Cox and Borlase. They were scarcely printed when they were suppressed; for, though I laboured to pursue the truth, I was soon sorry that any copies had appeared. They were never published, and, with my consent, they never shall. The second part of them I am very glad to have withheld. I some time since gave them, together with the originals, to the Marquis of Buckingham, who is possessed of the greatest part of my grandfather's papers, which consist chiefly of letters relating to the transactions of the Catholic Committee during a period of about fifty years. They are now in his lordship's library." If, therefore, the second volume was burned at his request by the friend to whose care it had been committed, that friend must have been the Marquis of Buckingham.

The Rev. Charles O'Connor, D.D., was the grandson of

the Venerable Charles O'Conor, of Belinagare. He made his ecclesiastical studies for the Diocese of Elphin in the Irish Ludovisian College, Rome, was ordained for his native diocese in the Church of St. John Lateran, and received the degree of D.D. from the Prefect of the Propaganda, and was afterwards parish priest of Castlerea, County Roscommon. He became, about the year 1796, private chaplain to the Marchioness of Buckingham, in Dublin; and it was soon after this appointment that he caused the whole, as he thought, of the impression of the first volume and ten sheets of the second volume of the Memoirs of his grandfather to be cast into a sewer which communicated with the Poddle; they were thus carried into the Liffey, under the old Custom House.¹ He became, in 1799, librarian to his patron, the Marquis of Buckingham, at Stowe. From these palatial quarters he published five letters, or addresses, styled "*Columbanus ad Hibernos*," containing much high-sounding declamation, some misplaced learning taken from his grandfather's MS., and papers, and much unsound doctrine touching "the Liberties of the Irish Church," "the Jurisdiction of the Roman Pontiff," and "Foreign Influence in the Nomination of Bishops to Irish Sees." His aristocratical associations at Stowe wrought a wonderful change in Dr. O'Conor's national sympathies. It is noteworthy, too, that his objections to the method of appointment to Irish Sees were not made public until all hope of the expected succession of the Rev. Charles O'Conor, D.D., to the Most Rev. Dr. French, as Bishop of Elphin, had been lost.

Dr. O'Conor dedicates, by permission, the fifth of his *Columbanian Addresses* to his noble patron, the Marquis of Buckingham. He there flatteringly, but falsely, says that his "Lordship's name is justly respected by every description of persons in his (Dr. O'Conor's) native country." He elsewhere compares him with "the greatest man his native country ever produced," viz.—the Duke of Ormond.² Now, unfortunately, the verdict of history varies very much from this flattery of the Stowe librarian. There never was in Ireland a viceroy so unpopular and detested as the Marquis of Buckingham. During his vice-

¹ Plowden.

² *Columbanus ad Hibernos*, No. 2, p. 263. One of the great historical feats of "*Columbanus*" was to vindicate the fame of "the unkind deserter of loyal men" from the "calumnies" of French, Plowden, and others.

royalty, as before and after it, the Irish Government was carried on by a system of notorious and shameless corruption. One of the most scandalous arts practised to maintain ministerial majorities was the payment of large bribes to Members of Parliament in the shape of salaries, places, and pensions. Not even the scathing denunciations of Grattan, sustained as he was by some of the most eloquent men of the time, could purify from its own corruption the Parliament whose external independence he had so gloriously won. But the incomparable orator has left on the page of history this inimitable picture of Dr. O'Connor's great benefactor of his native country, drawn while Lord Buckingham still ruled in Dublin Castle.

"Such has been the conduct of your Reformer. 'This was the man; you remember his entry into the capital, trampling on the hearse of the Duke of Rutland, and seated in a triumphal car drawn by public credulity; on one side fallacious hope, and on the other many-mouthed professions; a figure with two faces—one turned to the treasury and the other presented to the people, and with a doubtful tongue speaking contradictory languages.

This minister alights; justice looks up to him with empty hopes, and peculation faints with idle alarms. He finds the city a prey to an unconstitutional police—he continues it. He finds the country overburthened with a shameful pension list—he increases it. He finds the House of Commons swarming with placemen—he multiplies them. He finds the salary of the Secretary increased to prevent a pension—he grants a pension. He finds the kingdom drained by absentee employment, and by compensations to buy them home—he gives the best reversion in the country to an absentee, his brother. He finds the Government at different times had disgraced itself by creating sinecures to gratify corrupt affection—he makes two Commissioners of the Rolls, and gives one of them to another brother. He finds the second council to the commissioners put down because useless—he revives it. He finds the boards of accounts and stamps annexed by public compact—he divides them. He finds three resolutions declaring that seven commissioners are sufficient—he makes nine. He finds the country has suffered by some speculations in the ordnance—he increases the salaries of officers, and gives the places to members of Parliament."¹

¹ Speech of Grattan in Par. Deb. 15.

At the end he was forced to resign the Government, and to steal away from Dublin like an absconding debtor.

It was under such patronage that Doctor O'Connor learned to discredit the acquirements and judgment of his famous grandfather; to league himself with his "learned friend, Mr. Charles Butler, of Lincoln's-Inn-Fields," and Berrington and Wilkes, and "the Board of British Catholics," in supporting the veto, attacking Dr. Milner, and denouncing the "ultramontanism" of the Irish Bishops. In such influences, too, will be found, we think, the true cause of the suppression and destruction of the Memoirs of his grandfather.

We intend in a future number to give some curious examples of the Rev. Dr. O'Connor's estimation of the historical ability and credit of Charles O'Connor, before and after the Rev. Doctor had become the protégé of the Most Noble the Marquis of Buckingham, with a few strange views of Catholic doctrine and discipline shown to the people of Ireland by the same learned librarian from his retreat at Stowe.

J. J. KELLY.

THEOLOGICAL QUESTIONS.

I.

ON THE TELEPHONE IN RELATION TO THE SACRAMENT OF PENANCE.

DEAR SIR,—In the last issue of the RECORD, an inquiry of a most interesting character, regarding the validity of sacramental absolution through the Telephone as a medium, was instituted by one of your correspondents. The question is for the moment a purely speculative one; but, as it may some day or other become very practical, it is as well that it should be fully investigated in the pages of the RECORD. The writer divided the inquiry into three parts. In the first of these he solved the somewhat similar question regarding the validity of sacramental absolution "inter absentes," in the negative; adducing in support of this view the condemnation of the affirmative opinion by Pope Clement VIII., A.D. 1602, and the other arguments usually put forward by moral theologians. In the second, he laid down the usual principles of theology concerning the necessity of at least a moral presence on the part of the penitent. Since the words of absolution must be

pronounced under such circumstances that, according to the prudent judgment of men, they would be considered addressed to the penitent, who is there and then morally present. In the third part, he applied those principles to the case of the telephone (dealing principally with the questions of the *materia proxima* and the *forma sacramenti*), and maintained that by its means the moral presence requisite for the validity of the Sacrament of Penance was communicated.

It is, indeed, quite in accordance with the teaching of theology that the presence necessary and sufficient for the validity of sacramental absolution is not a physical but a moral presence; and the nature and extent of this moral presence must be determined by the meaning and signification of the words of the form as interpreted by those who are most capable of forming a correct judgment on such matters.

Now, when theologians expound the nature and limits of a moral presence relative to the subject under consideration, they, of course, shed no direct light on the question of the telephone, nor furnish any direct clue to its solution; but, then, they seem to demand certain conditions which are wholly incompatible with the use of the telephone. According to them, two important items form component parts of a moral presence, viz., distance or proximity of place, and intercourse through the organs of sense. I do not contend that they require nothing more; nor that they require those to the same extent; nor that the same kind and extent of moral presence is requisite for different human or even sacramental acts: by no means (in fact, I know the contrary to be the case); but I think it will appear from the authorities I shall quote, that mere communication through one or more of the senses is not sufficient to constitute the required moral presence, irrespective of distance, and this is all that can be obtained by means of the telephone.

The first author from whose works I shall quote is the great liberal probabilist Lacroix. In his *Lib. vi., Pars II., De Sacram. Poen. Art. III., Num. 1201*, he says:—"Ad absolutionem dandam sufficit, Confessarium esse moraliter praesentem poenitenti, tum autem est moralis praesentia, si sacerdos et poenitens non longius distent quam ut adhuc possint, per se loquendo, se mutuo audire, utentes ea voce qua homines in communi colloquio ordinarie uti solent. . . . Addunt aliqui sufficere si non sit major distantia quam ut se audire possint, utentes voce communi colloquentium etiam aliquanto altiore, unde quamvis poenitens jam e Confessionali abeat, et aliis vicinis immixtus, non amplius videatur, putant Bon. Lugo, Tamb., Gob. adhuc absolvi posse, eo quod retineat voluntatem habendi absolutionem si forte non habeat, et maneant moraliter praesens. . . .

"Addunt aliqui sufficere si Confessarius adhuc videat poenitentem, quamvis aliquousque absit, quamdiu enim possunt se aliquo

sensu percipere, non videntur simpliciter abesse moraliter ab invicem : hoc tamen videtur nimis extensum ; nam certum est me posse videre simpliciter absentem, neque tamen possum simpliciter absentem absolvere, ideoque Tamb. merito dubitat an censeatur moraliter praesens, si ad viginti passus distet. Itaque videtur requiri ut possint, prout ordinarie fit, mutuum inter se sermonem communicare."

Nothing could be clearer than this testimony ; he again and again appeals to distance as a test of moral presence, and though there can be no reasonable doubt that he is speaking of the unaided natural powers of the senses, still he casts his lot with the other great theologians, and rejects the principle that a priest ought to absolve a penitent who is perceptible by any one of the senses, since he says :—" Certum est me posse videre simpliciter absentem, neque tamen possum simpliciter absentem absolvere."

Not less clear and explicit is the teaching of St. Alphonsus himself, whose opinions, approved of by the Church, have greater weight than those of any other moral theologian whose authority might be quoted. In his Lib. vi., Tract. iv., Num. 429, De Poen., S. Alph. says :—" Requiritur igitur ut forma a Confessario voce proferatur, et ut poenitens ibi tunc moraliter sit praesens. Haec autem moralis praesentia reputatur illa, intra quam homines communi voce, quamvis altiori, loqui possunt et solent, ut dicunt Spor. Tamb. Holz. Elbel qui cum Spor. et aliis, addit talem praesentiam *posse extendi* ad 20 circiter passus, praesertim ubi poenitens nondum est egressus ab aspectu Confessarii. . . . Merito autem Tamb. non approbat Leandrum, qui dicit satis esse ad praesentiam moralem, si *sacerdos videat poenitentem, aut alio sensu percipiat* : praesentia enim pro absolutione majorem propinquitatem requirit, quam pro audienda concione vel missa."

Here the holy and eminent Doctor lays down the rule of the moral presence ; he says, it is that within which men can and are wont to speak in ordinary conversation, though in a somewhat louder tone of voice ; and he adds, some extend it to as many as 20 paces, especially in the case when the penitent is still under the eyes of the confessor. He next disproves the opinion of Leander, who says it is sufficient for this moral presence if the priest can see the penitent, or perceive him by some other sense ; for, adds St. Alphonsus, the presence for absolution demands greater or closer proximity than is requisite for hearing Mass or a sermon. Elsewhere he rejects the opinion of Lugo and Escobar, who maintain that a distance of 30 paces from the multitude of those who are actually assisting at Mass would not prevent a person from being morally present with them, and thereby validly assisting at the Holy Sacrifice. We know, therefore, how narrow are the limits of the moral presence which St. Alphonsus deems necessary for the validity of the sacramental absolution.

A difficulty would seem to arise from the words which imme-

diately follow those already quoted ; but it is merely apparent. , .
 “ Unde censet Tamb. quod si quis aliquando non possit nisi a longe absolvi, puta si rueret e tecto, tunc absolutio sub conditione danda esset.” The phrase “ a longe ” would seem to be applicable to a much greater distance, in which case the absolution should be given *sub conditione*. However, it is manifest that the phrase must be taken in connection with the entire context, and then its meaning becomes clear.

Moreover, St. Alphonsus is only giving the opinion of Tamb. ; and it may be as well to see what this great theologian has to say on the matter.

In his Lib. v. De Poen. cap. ii., Num. 10, after giving the opinion of Leander, Ochag. Diana, and others of the “ Schola benignior,” he continues, “ Primo displicet mihi, et forte etiam aliis, quod tertio superaddit, satis esse ad praesentiam hanc moralem, si sacerdos videat poenitentem. Hoc valde difficile est. Numquid si meus poenitens post confessa peccata abeat ab extremo magnae cujuspiam Ecclesiae ad aliud extremum, quantum scilicet a meis oculis videri etiam commode posset, valide ego illum absolvam ? Erit haec praesentia moralis pro audienda concione, imo etiam pro assistentia missae, quando templum plenum est audientibus, quia omnes faciunt unum populum rite missae assistentem ; at certe praesentia moralis non erit pro absolutione, quae majorem propinquitatem requirit, nempe illam quae est in iudice, non reum quomodocumque, sed ex Clementis VIII., ut diximus, reum praesentem condemnante vel absolvente. Ecquae tandem est haec ? Profecto illa qua solent communi voce, etiam aliquanto altiore, homines cum hominibus loqui. Haec enim est praesentia moralis, propria hujus sacramenti instituti per modum iudicii humani.

“ Secundo, examini, ac sapientum iudicio, submitto illud de viginti passibus ; si enim distantia ejusmodi iudicetur a sapientibus esse apta, ut, modo dicto, homines loquantur, apta iudicetur et hic ; secus non item. Ex iis quae dicta sunt, potest solvi illa communis quaestio de eo sacerdote, qui lethaliter vulneratum in via vellet absolvere a fenestra ob periculum, ne sine absolutione moriatur vulneratus.

“ Dico enim valide et licite posse, si parum fenestra distet, explicando hoc (parum distet) eo modo, quo jamjam dictum est, secus ex se non posse. Dico *ex se*, nam hic et similes casus illud proprium habent, ut si tibi appareat fenestra aliquanto altior, ita ut dubius sis de praesentia debita, tunc quanta potes contentione vocis, moribundum absolvas, sub conditione tamen, ut in similibus dubiis fieri posse diximus.”

From this testimony there can be little doubt of the extent and meaning of the “ a longe ” of St. Alphonsus. It is the “ parum distet ” of Tamb., at which distance men are wont to speak to one another, not by the aid of trumpet or telephone, but “ communi voce, etiam aliquanto altiore.” This may not, indeed, be a hard-

and-fast line for all cases, consequently Tamb., leaves the wise to judge whether or not it may be extended to the 20 paces; if they think this distance is such that men are wont to speak at it, "modo dicto" or "communi voce altiore," then let it be set down as sufficient to determine the necessary moral presence, but otherwise not so. It is within those lines that the priest is to absolve the man who is mortally wounded on the wayside; but if he should doubt lest his window was somewhat more than the 20 paces, so that there will be a doubt as to the due presence, let him give the penitent the benefit of the doubt, and absolve him *sub conditione*.

I might still quote other important passages from the works of some of the greatest theologians, as Sporer, Elbel, Holzm, &c., all of whom reject the principle that communication or intercourse through some one sense sufficiently establishes the moral presence between priest and penitent necessary for the valid administration of the Sacrament of Penance.

No doubt, as the writer of the Inquiry states under No. 5, second part, absolution may be given with a single form to a whole multitude of people at one and the same time in a case of necessity—*v.g.*, in a shipwreck, or fire, or to soldiers on the eve of battle, &c.; and no doubt many thus absolved would be a considerable distance from the priest, certainly farther than the 20 paces, and perhaps beyond the reach of hearing and out of sight. But theologians consider this case and say that the grouping together of a multitude in one body constitutes the same moral presence for all. "Quia," says Tamb., "omnes faciunt unum populum."

No doubt, also, the argument taken from the defect of the due *materia proxima* would not hold with regard to the telephone. But I am not so sure that it is very strong as against the validity of absolution at a distance through letter or otherwise; and Suarez, when introducing it, says of it:—"Tertio potest addi *probabiliter* ratio illa, quae desumitur ex parte materiae proximae."

What is said of the form of absolution relative to the telephone is, as is manifest from the preceding remarks, all denied. For valid absolution the priest must pronounce the words of the form orally, and under such circumstances that, according to human estimation, the words are considered to fall upon the penitent who should be morally present to the speaker.

It is denied that, according to human estimation, and especially according to the opinion of theologians and the principles of theology, the telephone communicates or establishes the necessary moral presence; and the contradictory proposition remains to be proved.

A proof is, indeed, given from the case of a superior who should give an order *viva voce* through the telephone to his subject; "the superior's words would certainly be held to fall on the subject, to affect him as individually and directly, and as much to

determine his conduct, as though the order were spoken close at hand." Certainly; and so would the order of a superior delivered by letter; but neither the one nor the other would make the subject morally present. Moreover, as I stated before, the same degree of moral presence is by no means necessary for different acts: should the superior in the preceding case speak to a multitude some thousands of yards from him through a powerful speaking-trumpet, his words would evidently fall upon them and certainly determine their conduct or line of action. Would sacramental absolution given under such circumstances be valid? The answer would be that it is a very doubtful case at most, and if given should be given *sub conditione*. This, of itself, is sufficient to show that there is no parity between the cases, and that an argument cannot be founded thereon.

A second case is given of a deaf priest in one room and the penitent in another adjoining, and if by means of a long speaking-tube the priest hears the penitent's voice no one would doubt that the priest could validly absolve. Certainly not, because they are morally present, and it is only by accident that the priest requires the speaking-tube at all, and as Lugo has it—"Institutio sacramenti non debebat descendere ad casus adeo particulares, et extraordinarias."

This point is further illustrated by an example taken from the sense of sight. "Theologians say that in an urgent necessity absolution may be given at least *sub conditione*, to one who is visible at some considerable distance. Suppose, for instance, a very short-sighted priest is told there is a Catholic man seen off the coast drowning in the sea. The priest cannot see so far off at all with his naked eye, but, putting on his spectacles, he distinctly sees the drowning man and absolves him. In this case if the *materia proxima* be there the absolution would be valid, or probably so, and licitly given too, under the circumstances, and with the use of artificial means." It can scarcely be pretended, I think, that the putting on of his spectacles on the part of the short-sighted priest is the cause of the probable validity of the absolution. Would not the absolution be probably valid in the same case if the priest happened not to have his spectacles about him? I should certainly think so, and attribute the probability of the validity of the absolution rather to the probability of the moral presence existing between them than to the magic effect of putting on the spectacles. In a postscript to this inquiry the writer compares the case of the telegraph with that of the telephone relative to the validity of sacramental absolution. He gives it as his opinion, that should a person wish to extend the speculation on the telephone to the telegraph, such a thesis would not fall under the prohibition and condemnation of Clement VIII., though it would be improbable and utterly untenable according to received principles of theology. Now, I am unable to see how such a thesis

would not fall under the condemnation of the Pontiff. Speaking of the telegraph, the writer says:—"Intercommunication is carried on from a distance, without any moral presence, *inter simpliciter absentes*." (Do not those words seem admirably suited to the case of the telephone?) In the beginning of the inquiry, after giving the condemnatio S.D.N. Cl. VIII., he says:—"That such absolution, *scil. inter simpliciter absentes*, can never be valid, is clear from the fact of the Pontiff's prohibiting it as unlawful in any case whatever." Therefore, according to the writer, the case of the telegraph comes under the condemnation, since it would be a communication "*inter simpliciter absentes*." That this is the correct interpretation of the Papal condemnation is clear from the unanimous consent of theologians and from the interpretations given to it by Pope Clement VIII. himself and Pope Paul V., 1605, vid. Lug. et S. Alph.

In my humble opinion the case of the telegraph is, as far as the Sacrament of Penance is concerned, identical with that of the telephone. By means of the new American improvement known as the sounder, a skilful operator standing beside the indicator of the telegraph can, by a series of short and long sounds produced by the armature striking against the electro-magnet of the apparatus, understand what these sounds mean. If the sounds were transmitted to the distant armature by the touch of the penitent, and the priest heard and understood these sounds, would not the case be very like that of the telephone, since it is not essential to the sacrament that the penitent should orally confess his sins, or hear the words of absolution spoken by the confessor. Hoping the insertion of those remarks, which have been made from a desire of seeing more light thrown on so interesting a subject, will not engross too much of your valuable space, I am, dear Mr. Editor,—Yours, &c.,

SAC. DUB.

II.

SPONSALIA.

I have read with much interest the two excellent papers that appeared in the RECORD of last month—one from E.A.S., and the other from yourself—consisting of "Supplementary Notes," as you term them, and both having reference to a number of queries submitted to you by "A Correspondent," on the very important subject of espousals. I think your "Correspondent" has reason to feel more than satisfied for having elicited so large an amount of useful information, and the readers of the RECORD cannot but feel indebted to you and your friend, as I am sure I may call him, for the results you and he have placed before them of your extensive reading and well-matured study on a matter so seriously affecting the practice of the ecclesiastical ministry.

On perusing your "Notes" I was very much struck with the

observation you quote from the *Acta S. Sedis*, respecting the distinction between theory and practice in theological matters; a distinction affecting all professions alike, and which has its illustration to a remarkable degree in the subject of espousals.

When leaving college we brought with us a theoretic knowledge of all that relates to the subject. We knew that espousals consisted of a promise of a future marriage, and that this promise should be deliberate, should be with a certain individual, should include an intention of contracting an obligation, should be mutual, should be manifested externally by words or unequivocal signs of some sort, &c.; and we bore in mind how espousals might be contracted by letter or procurator, and how also they might be affected by the intervention of parents or guardians. But entering on our ministry, we had to see how this theoretic knowledge was to be applied to facts—how these various conditions were to be realised in the cases we had to deal with. In all this we had, of course, to recollect our book-knowledge; but we had to rely still more upon experience and observation, and, as we got into the work, we soon found that what appeared to us very plain and clear in theory, was in many instances very hazy and uncertain in practice. Let us see this in some of the conditions above laid down.

1. It is laid down, for example, that the promise constituting espousals must be deliberate. Now, deliberation, or deliberativeness, has its degrees, and I am to ask what degree is required for espousals. Our books say the promise should be *fully* deliberate to the degree necessary for incurring the guilt of mortal sin. But this is a mere shifting of the difficulty, and I have now to see if, in point of fact, there has been all the deliberation in the case before me that would be sufficient for mortal sin. Who does not see what a dreary inquiry this is? The illustration to serve its purpose should be clear and decisive. Is it so in the present instance? Where is the line of demarcation between mortal and venial sin? It is not a material boundary to be seen with our eyes, or felt by our hands. It is hidden within the conscience of the individual I am dealing with; and how can I use a line so far out of reach to solve the difficulty I have practically to deal with?

The difficulty is immeasurably increased by the consideration that it is not reason that generally presides at these courtships and match-makings we so constantly find on the way to marriage. It is rather sentiment or feeling, not to use an uglier, but the more strictly correct designation; and if we interrogate the parties as to their state of mind, it is found they cannot give anything approaching a satisfactory account of themselves, as to their thoughts, designs, or intentions. Here there is a stumbling-block on the very threshold.

2. Let us come to another condition of the promise, the intention of contracting an obligation. What a puzzle! We ask the

question, had you such an intention? Perhaps what you had in your mind was only a mere purpose, perhaps a pretence, or perhaps you were more serious in case all went well up to the point? Are we not here in a mist, utterly unable to see our way through the clumsy answers we may expect in the generality of cases to be met with in a promiscuous population?

3. And the promise must be mutual. To place this condition clearly before us, it may be well to see it exemplified in some ritual form of espousals. I find the following form in a Diocesan Ritual I have before me. The parties having joined hands in presence of the parish priest, or other priest deputed by him, say, first the male party:—

“*I (N.) promise and pledge my faith to marry thee (N.) whose hand I hold, and to take thee for my lawful wife, if holy Church, our mother, will it permit.*”

After which the female party, in similar words, repeats:—

“*I (N.) promise and pledge my faith to marry thee (N.) whose hand I hold, and to take thee for my lawful husband, if holy Church, our mother, will it permit.*”

We see how effectually the condition of mutuality is secured in this form. No precise form of words, as you so properly observe, is required *under pain of nullity*, as may be said also of the marriage itself; and, on this account, a bishop would go beyond his authority who would insist upon a particular form as necessary for the validity of espousals. But it is, nevertheless, essential that the mutual exchange of promises be adequately expressed in the words employed. Now what do we find in the practice of our ministry? Do we find a *substantial* realization of a promise mutually given, as in the above example? The cases, indeed, are very few. The general rule is, the male party promises, and the female accepts, consents, agrees, but that is all.

Let us first take account of these *hugger-mugger*, these *hole-and-corner* courtships among the humbler classes. If a disputed case come before us, we find it easy enough in general to prove a promise on the part of the man; not merely by words, but also by acts, such as giving his hand-and-word, and perhaps he has added an oath. But the female denies having given a promise. She may, indeed, admit that she was disposed to marry him—that therefore she agreed to the promise made by him—she accepted it—she consented to it. But ask, “did you say, ‘I promise to marry you,’ or did you use any words containing such a promise;” here is the difficulty. She will say no, whilst he will insist she did. Interrogate them separately, you will find their statements utterly contradictory. They have no letters nor witnesses to produce. The result is confusion and uncertainty, and, of course, you must hold there have been no espousals.

Let us go up the scale, and see how it is with the farming class, and we may couple with them the shopkeeping class in towns.

Here the first approaches are *a longé*. The man desirous of marrying a certain female meets the father at fair or market, or gets a friend to meet him, and *break* the matter to him. The overture is well received; but only as an overture. A second advance is made, and the father, having spoken of the matter already to his daughter, is now quite encouraging. The young people may have already known each other, or, if not, the young man is invited to visit for an occasion. The parties are pleased with each other personally; and from this point things become serious. There may be some difficulty and delay about fortune and marriage settlements. All this time what are we to say of the female? In the class of life we are speaking of, she generally leaves herself in the hands of her parents. At length everything is arranged, or seems so, and a day is appointed for the marriage. It may be near, or it may be some weeks off, which is rarely the case. But, whether near or distant, ask the parents about it as an event to come. They will say, "Yes, it is arranged; but so many things turn up in such cases, as we see every day, that you can never be sure of a marriage till you see the ring on." Then, all this time, and up to the last, things have been, and still are, in a contingent state. Will it be said that in such a state of things there have been espousals, so that, even though the marriage did not go on, the parties have contracted the impediment of *publica honestas* in reference to each other's relatives in the first degree? I cannot think so; for even though we bind up the female in the will and intention of the parents, still, they holding themselves up to the last in a state of contingency, the engagement had not the character of certainty requisite for absolute espousals, and for the impediment depending on them.

We may now ascend higher, and see how matters go on in the top stratum of society. Here the issue is slow. After the parties have come to an understanding with each other, the men of the law are set to work. They will require time to put terms and conditions into legal form. Their first drafts may be objected to in several particulars, and corrections are to be made. There is then a delay about fixing a day. The preparations for a *fashionable marriage* cannot be made in a hurry, nor can the bridegroom set himself free all at once for the marriage tour. All this time he is a constant visitor at the home of his bride that is to be, and he and she are held by the public to be engaged to each other. I do think that in such cases, which, indeed, are few and far between here in Ireland, there are espousals resulting from the engagement which is quite mutual; and though there be no religious ceremony, nor formal expression of a mutual promise the impediment of *publica honestas* is nevertheless incurred.

And just here it may be worth noticing, that in the "breach of promise cases" that turn up in our courts of law, we never find in the correspondence produced, or in the evidence of witnesses, a

reciprocation of promise on the part of the female, a circumstance which shows that the other party is satisfied with her assent or consent, and does not press for a promise in return for his promise, or else he treats with her through her parents.

And, with respect to parents or guardians, and their intervention in the marriages of children yet, under their control, who, in technical language, would be called "*fili familias*" and "*filiae familias*," it is supposed, as a general rule, that promises of marriage made by them are conditional, awaiting the consent of their parents or guardians. But if we suppose, by way of exception, that they exchanged promises, meaning and intending them to take effect independently of parents or guardians, a serious case would arise. No doubt their marriage would be valid in such a case, no matter how much the parents or guardians dissented or protested, the Council of Trent having so decided in the most distinct and formal manner. But the question of espousals is, nevertheless, disputed by theologians; on which account such espousals are to be held in practice to be invalid, on the principle that the speculative doubt is to be resolved in favour of liberty, as carrying no obligation with it.

With regard to children out of the control of parents and guardians, and in their own hands, they are competent to contract espousals of themselves, observing all the conditions required for their validity.

It is an interesting, and may be a practical question, if *occult* espousals be valid. The question turns on the distinction to be observed between *clandestine*, or *private espousals*, and those that are *occult*, so as to be known only to the parties themselves, or, as it may be, to a few others, through whom there is no likelihood of the matter becoming public.

Before the Council of Trent there were solemn and clandestine or private espousals, as there were solemn, and clandestine or private marriages. The Council annulled such marriages in future, but left the espousals as they were, as to the point of solemnity, or clandestinity, and, therefore, it is properly inferred that, *servatis servandis*, clandestine or private espousals are still valid. But behind them remains the case still of *occult* espousals, in the sense just stated, and it is asked if they be valid also, inasmuch as *occult marriages* were valid before the council.

In the discussion of the question it is observed, that the two things stand entirely on different footings. If the espousals be admitted to be valid, they would carry with them the impediment of *publica honestas*. But it is precisely at this point, the parity gives way, on account of the end and purpose of that impediment, which was to prevent the moral indecency before the public, or the public scandal of a person breaking off from one to whom he was espoused to be her future husband, and marrying a near relative of her's. Now it is argued, there is no room for such an effect, if the espousals be

occult, inasmuch as that which is *occult*, or an *occult cause* cannot produce a *public effect*. Hence the end and purpose of the impediment not existing in the case, the impediment is not incurred, and consequently the espousals are invalid.

The discussion of this matter occurred incidentally, but in nothing the less interesting way, in the deliberations of the S. Congregation, of the Council respecting 'civil marriages,' so lately as 1879.

The Prelate Secretary according to usage had to prepare a disquisition, or as it is called a "discursus" treating of all the points relating to the subject, which it was his duty to distribute amongst their Eminences the Cardinals composing the Congregation, in preparation for their meeting in Council. Amongst the other questions it was asked, if "civil marriages" produced the impediment of "*publica honestas*" and the consideration of the matter led to the case of *occult* espousals. He quotes various most grave authorities to show that they do not produce the impediment in question, and winds up his pleading by saying: "*Ex quibus sufficienter colligitur neque consensum neque dissensum partium simpliciter sumptum in ordine ad futurum matrimonium fuisse causam inducendi hujusmodi impedimentum, sed solum prout habent relationem ad actum externum celebrati contractus publice, vel reciprocae fidei a sponso datae, et e contra, juxta quam publica honestas indecens arbitratur aliquem cum alterius consanguineis copulari, quae qualitas externae apparentiae non potest occultis sponsalibus adaptari.*"

He urges the matter still farther and states, that in cases referred to the Congregation it decided, that, if on the banns being published, no impediment appeared, the impediment of "*publica honestas*" did not arise; and he adds the reason, "*quia scilicet sponsalia non patefacta tempore denuntiationum censentur occulta;*" and he further goes on to quote Pitonius, who states roundly and broadly, "*ex quo impedimentum non fuit denuntiatum, jam cessavit illa externa apparentia et publicitas a quibus causatur.*"

From *occult* espousals he proceeds to the question of *occult* clandestine marriages, as to whether such clandestine marriages, being *occult*, produced the impediment of "*publica honestas*?" He adduces several authorities against such an effect, ending with Paludanus, who holds that "*matrimonium clandestinum non causat publicae honestatis impedimentum, sicut nec sponsalia occulta, quae sunt nulla, utpote revocata; et optima ratione, quia cum matrimonium est clandestinum, vel sponsalia occulta, non est cur ibi consideretur hujusmodi publicae honestatis impedimentum, quod inducitur propter actus externos, et hominum scandalum . . . ac proinde in foro conscientiae non obstat quominus contrahentes nubant propinquis hinc inde desponsatis.*"

I find also that Mansella treating of "civil marriages" in his recent important work, "*De impedimentis matrimonii dirimentibus,*" takes occasion to speak likewise of *occult* clandestine marriages

(p. 69), and says of them as follows: "Porro, ex matrimonio clandestino *occulto* nequit impedimentum publicae honestatis oriri, quae in *externa* humanae opinionis *decentia* consistit, ut ex decretali Eugenii eruitur, ac docent passim Doctores."

Reverting to *occult* espousals, I own I was puzzled for a moment by your quotation from Benedict XIV., who lays it down, "jure communi remotis arbitris valide contrahuntur." But on reflection I convinced myself that the witnesses he alludes to are *official* witnesses that may be dispensed with in *private* or *clandestine* espousals, and that he does not mean to include *occult* espousals at all.

A word or two only about Civil Marriages. The question of espousals is involved in them also. They gave great trouble hitherto to the theologians, some considering they amounted to espousals, whilst others regarded them as clandestine marriages, producing the impediment in the former view of "publica honestas" to the first degree of consanguinity, whilst in the latter the impediment would extend to the fourth degree. But the question has been set at rest by the letter of his present Holiness Pope Leo XIII. to the Archbishops and Bishops of the provinces of Vercelli, Turin, and Genoa, under date 1st June, 1879, and by his decree confirming the decision arrived at by S. Congregation of the Council on the 13th of March, of the same year, in answer to the question: "An actus, qui vulgo audit matrimonium civile pariat impedimentum justitiae publicae honestatis?" The Congregation replied "*Negative*," et consulendum SSmo, ut id declarare et statuere dignetur." Whereupon the Prelate Secretary of the Council waited on His Holiness on the 17th of the same month, who approved of and confirmed the decision of the Most Eminent Fathers, and ordered a Decree to be drawn up to that effect. The Decree was issued in due course, and after reciting certain preliminaries, it declares: "Actum, qui vulgo dicitur matrimonium civile, in locis ubi promulgatum est Decretum Concilii Tridentini, *Sess. xxiv. cap. i., de reform. Matr.* sive fideles actum ipsum explentes intendunt, uti par est, (matrimonio ecclesiastico jam rite celebrato, vel cum animo illud quantocius celebrandi) meram ceremoniam civilem peragere, sive intendant sponsalia de futuro inire, sive tandem ex ignorantia, aut in^spretum^{le} ecclesiasticarum legum intendant matrimonium de praesenti contrahere, impedimentum publicae honestatis non producerè." (*Vid. Acta S. Sedis, Vol. xiii, p. 126*).

Are we not to consider the marriage of Catholics by our Marriage Registrars here in Ireland as comprised in this decree? and we are consequently to take no account of them either as marriages or as espousals.

Looking back on all I have written, I would wind up by stating:

1. That espousals having no place in our religious ceremonies, or in our civil institutions, we are to look for them only in the engagements parties themselves enter into who intend marriage.

2. These engagements are generally wanting in the essential conditions required for espousals, or the conditions are so doubtful that they must in practice be treated as invalid.

3. That, nevertheless, exceptional cases may occur in which these engagements are equivalent to espousals, and produce the impediment of "*publica honestas*."

4. That *clandestine* or *private espousals*, or engagements equivalent to them, are to be considered valid, since the Council of Trent, equally as before it.

5. That *occult* espousals, and *occult clandestine* marriages, do not produce the impediment of "*publica honestas*."

6. That civil marriages are not to be recognised as marriages in this country between Catholics, nor even as espousals, and consequently do not produce the impediment of "*publica honestas*."

7. That the conditions required for espousals being so rare in the promises and engagements of parties intending marriage, some Bishops deem it proper in their diocesan statutes, or synodal acts, to lay it down as a general rule for the guidance of their Priests in the ministry, to pay no attention to such promises or engagements, the principle being kept in view, that speculatively *private* or *clandestine* espousals are valid, whenever the requisite conditions are present. In this way the acts of the Bishop, which otherwise would be "*ultra vires*," may be reconciled with the decisions of the Sacred Congregation of the Council which is careful to uphold the theoretic principle involved, and so we are to account for the words you quote from the "*Acta S. Sedis*, and to which I have already alluded: "*Ex hac causa dignoscitur discrimen, quod non raro intercedit, inter juris theoriam et praxim, aut juris applicationem.*"

I have the honour to remain, Very Rev. and dear Sir, very faithfully yours,

A VETERAN PRACTITIONER.

[We are deeply grateful to our revered Correspondent for the interest he takes in this and other practical questions. We shall have a few remarks to make in a future number on some of the opinions expressed in this paper. In our present number we find it impossible to insert many interesting papers kindly sent to us by correspondents, to whom we wish to offer this explanation for the unavoidable delay in the publication of their valued communications. One of these—a reply to C. J. M.—would have been inserted if its considerable length, coupled with its late arrival, had not rendered its insertion in the present number practically impossible.—ED. I. E. R.]

LITURGY.

I.

The Form to be used in Blessing Beads.

DEAR REV. SIR,— Under the above title, in Vol. II., page 688, of the RECORD, you rightly quoted a decree of the Congregation of Indulgences, in answer to a correspondent who had asked whether any *special formula* was necessary in blessing and indulgencing beads.

The question addressed to the S. Congregation was as follows :—“ *Utrum ad Indulgentias applicandas crucibus, rosariis, etc., alius ritus sit necessarius praeterquam signum crucis a sacerdote, qui hanc facultatem accepit, factum?*”

S. Cong. Resp. ; “ *Negative.*” (11 Aprilis, 1840).

In virtue of this authority, one would naturally think that priests need have no scruple in blessing Rosary Beads, by simply making the sign of the cross over them, without reciting any formula of prayer or aspersing them with holy water.

But it so happens that in Ballerini's Edition of Gury (Vol. II., No. 1081, 5°), another and a much later decree rules to the contrary, in the case at least of the Rosary of St. Dominic and that of the Seven Dolours. Now, as we cannot entertain the idea of the Sacred Congregation contradicting itself, which here it appears to do, will you kindly clear up this difficulty for us, and thereby set the matter at rest?

Evidently the question is urgent, practical, and important ; and as one involving Indulgences for the faithful, a very serious one too. For the most common Rosary in use is surely that of our Blessed Lady, which, I presume, is otherwise called the Rosary of St. Dominic.

E.A.S.

We were asked a very definite question, to which we gave an equally definite answer. The question put by our correspondent was :—Whether a priest who has received power to bless beads, medals, crosses, &c., *vi formulae quae incipit*, “ *Indulgentiae quas Summus Pontifex vel ab eo delegatus,*” &c., can bless those objects by merely using the “ *In nomine Patris,*” &c., for a form? We answered that no form, not even the “ *In nomine Patris,*” &c., is required ; and, moreover, that it is not necessary to sprinkle the beads, or medals, or crosses with holy water. All that is necessary, we added, is to make the sign of the cross over the object.

Now, the formula referred to in the question is the one by which the faculty is given of attaching the Apostolic

and Bridgetine indulgences to the ordinary beads, and to attach these indulgences no form is necessary.

It is different with the Dominican rosary. For this there is a prescribed form of blessing, and it is also necessary to sprinkle the beads with holy water. But the power of indulgencing the Dominican rosary is not given in the formula "*Indulgentiae quas summus Pontifex.*"

The difficulty has occurred to our respected correspondent by supposing that the only indulgenced beads or chaplets of the Blessed Virgin are the beads or Rosary of St. Dominic. This is not the case. The indulgences which may be attached to the ordinary beads or rosary are of three kinds—namely, the Apostolic indulgences, the Bridgetine indulgences, and the Dominican indulgences.

To attach the Apostolic and Bridgetine indulgences to the ordinary beads of five decades, it is only necessary for one who has the requisite faculties to make over it the sign of the cross, nor is it a condition for gaining these indulgences that the person saying the rosary should meditate on the mysteries.¹ Now this power of attaching the Apostolic and Bridgetine indulgences is what is usually granted to priests who apply at Rome for the faculty of blessing beads, and it is this also which the bishop ordinarily gives as the delegate of the Pope.

For the blessing of the Dominican rosary a special form and the use of holy water are, as we have said, necessary; and meditation on the mysteries is also necessary, when possible, on the part of him who uses it. The power of imparting the Dominican blessing is usually obtained from the General of the Dominicans, or one of the Dominican Fathers who is duly deputed to give it.

We are much obliged to our respected correspondent for presenting us with the opportunity of removing a possible misconception regarding this matter from the minds of any of our readers.

¹1°. Quando Coronis B. V. M. de licentia S. Sedis Apostolicæ applicata fuit benedictio cum Indulgentiis Divæ Birgittæ nuncupatis, fideles illas Coronas recitantes tenenturne meditari quindecim Mysteria D. N. J. C. ut Indulgentias percipere valeant?

S. Cong. Ind. resp.:—*Negative.*

2°. Daturne eadem obligatio Mysteria meditandi, quando Coronis applicata fuit benedictio cum Indulgentiis ordinariis?

S. C. Ind. resp.:—*Negative*, si benedictio respiciat Indulgentias consuetas, quæ citantur ut in elencho ex Typographia R.C.A., anno 1831 edito.

Affirmative, si coronæ benedicantur cum Indulgentiis pro recitatione Rosarii." 1 July, 1839. (CDXCI.)

II.

How to know when Prayers composed in nearly the same words are considered to be different.

In the Office of St. Martha (July 29th), a commemoration is to be made of the titular saint of our Church, St. Teresa. Can the prayer *Exaudi nos* be repeated for each saint? I ask because there are a few words more in the prayer for St. Teresa than in that taken from the Common of Virgins. Substantially the prayers seem to be the same.

The prayer *Exaudi nos* may be repeated, because the clause to which you refer (*ita coelestis ejus doctrinae pabulo nutriamur*), renders the petition in the prayer of St. Teresa different from the petition in the prayer taken from the Common.

It is true that the mere difference in a few words in two prayers does not make the prayers themselves different, if the same idea is expressed in the first or thanksgiving portion of the prayer, and the same request grounded on the same motives presented in the second or petition portion. For example, the prayer of St. Matthew, which runs thus: *Beati Apostoli et Evangelistae Matthaei, Domine, praecibus adjuvemur, ut, &c.*, is considered to be identical with the prayer of St. Joseph:—*Sanctissimae genitricis Sponsi, quaesumus, Domine, meritis adjuvemur, ut, &c.* So also the prayer of SS. Philip and James is regarded as identical with the *Deus qui nos annua* from the Common of several martyrs, though the former prayer has towards the end *accendamus exemplis* where the latter has *instruamur*.¹

On the other hand, a word or two may suffice to make the prayers different when they serve to alter the special virtue or grace commemorated in the first or thanksgiving part of the prayer, or the request or the grounds on which the request is made in the latter part. For instance, the second prayer from the Common of a Martyr-Pontiff is considered to be different from the first prayer for a Confessor non-Pontiff, though the only difference in the wording is that the former ends, *ut cujus natalitia colimus, de ejusdem etiam protectione gaudeamus*, and the latter, *ut cujus natalitia colimus, etiam actiones imitemur*.²

¹ GUYETUS. *Lib. III. cap. ii. Quaest. I. vii.*

² *Ibid*

III.

The Conclusion to the prayers in the Mass, Office, and Benediction, of the Most Holy Sacrament.

How are the prayers in the Mass and Office of the Blessed Sacrament to be concluded? The missal gives, "Qui vivas et regnas." In one case I saw, "Qui vivis et regnas cum Deo Patre." I would request you to specify how they are concluded on the feast of Corpus Christi; in Votive Masses, in the Forty Hours' Prayer, at Benediction, and in the Office. Is the conclusion to be different in the Mass, Office, and Benediction? The priests here hold different opinions on the matter, and follow them in practice.

The conclusion for the Mass and Office is, "Qui vivis et regnas cum Deo Patre in unitate Spiritus Sancti Deus. Per omnia saecula saeculorum. Amen." This holds for the Mass on all occasions, that is, for Corpus Christi and for the Votive Mass.

On the occasion of the Quarant' Ore, when the prayers are sung in the church after the Litanies and Procession, the prayer of the Blessed Sacrament, *Deus qui nobis sub sacramento mirabili, &c.*, is not followed immediately by any conclusion; but the conclusion to the last of the prayers, *Omnipotens sempiterne Deus*, will be the long one—viz., "Per Dominum nostrum Jesum Christum, &c."

The conclusion to the *Deus qui nobis sub sacramento*, at the ordinary Benediction ceremony will always be, "Qui vivis et regnas in saecula saeculorum." The Sacred Congregation has decided this point.

"An Oratio *Deus qui nobis sub Sacramento mirabili* concludi debeat per verba," "Qui vivis et regnas in saecula," seu "Qui vivis regnas per omnia saecula saeculorum?"

S.R.C. resp. Affirmative ad primam partem, negative ad secundam.—29 *Mart.*, 1851 (3152).

IV.

The Ninth Lesson in the Office of the Dead.

When a priest presiding at an Office for the Dead reads the ninth lesson, how soon before reading it does he put on the stole? Does he take the cope also? After reading the ninth lesson does he continue to wear cope and stole until the end of the prayers at Lauds, or does he lay them aside as soon as he has read the ninth lesson, and take them again for the prayers at the end of Lauds?

It is nowhere prescribed that the priest presiding at the Office should read the ninth lesson. Some rubricists,

¹ GARDELLINI, *Commen. ad Instruc. Clement.* ss. xxiii, nn. 22-27.

for instance, Martinucci, forbid the practice. If he reads it, the clergy in choir are to remain seated the while.

In case the presiding priest read the ninth lesson, it is nowhere prescribed that he should put on for the purpose either cope or stole. There is no reason why he should do so.

If the Office was preceded immediately by the ceremony of conveying the corpse from the house to the church, the Sacred Congregation has decided that the priest may continue to wear during the Office the cope and stole, or the stole only, which he wore at the other function. But this is only a permission.

Dub. IV. "Utrum parochus pro deferendo cadavere in ecclesiam possit accipere stolam et Pluviale nigri coloris? Utrum in Exequiis sacerdos qui stolam, vel etiam Pluviale nigri coloris assumpsit pro deferendo cadavere in ecclesiam, possit stolam et Pluviale nigri coloris retinere ad canendum Nocturnum Officii mortuorum aut Vesperas mortuorum, si in casu necessitatis Exequiae vespere fiant, quum immediate cantantur."

S.R.C. resp. "Posse."

Dub. V. "Utrum in die III., VII., XXX., et Anniversaria, caeterisque aliis diebus, sacerdos assumere possit Stolam et Pluviale ab initio Officii mortuorum quod cantatur ante Missam et quatenus negative:

Dubium VI. Utrum teneatur assumere stolam vel Pluviale pro recitandis precibus in fine Nocturni, quum ob rationabilem causam Laudes recitari non possunt.

S.R.C. resp.

Ad. v., "Posse."

Ad. vi., "Non teneri."

12 July, 1854 (5208).

We treated this question at some length in the RECORD, vol. I., pages 626, 635.

V.

Incense used at the Absolutio after a Missa Cantata de Requiem.

Seeing that incense is not allowed, without a special Indult, at a Missa Cantata, I should wish to know whether incense may be used at the *Libera me, Domine*, in the Absolution ceremony, after a Missa Cantata de requiem?

Yes; the incensation is one of the ceremonies prescribed for the Absolution, and should not be omitted whenever this function is celebrated.¹

¹ MARTINUCCI, lib. III., cap. vi. VAYASEUR, vol. I., part vii., sect. II., cap. v., art. III., nn. 300, 301.

This ceremony of the Absolution is allowed in small churches after a Low Mass *de requiem*, and the rubrics even direct us not to omit this function on the occasion of a funeral service, even though the Office for the Dead and the Mass be not celebrated.¹ De Conny writes,² “Il faut noter que l’absoute, avec le *Non intres*, &c., et tout ce qui suit doit toujours se faire, lors meme qu’on ne celebrerait pas la Messe ou qu’on ne chanterait pas l’office.”

VI.

The “De profundis” and the “Non intres” in the Burial Service.

If the body be interred on Monday, and the Office and High Mass be celebrated on Tuesday, ought the *De profundis* to be said at the end of Lauds, and the *Non intres* before the *Libera*?

The general rule is that the *De profundis* is to be said in the Office for the Dead, except on All Souls’ Day and on the *dies depositionis*; and that the prayer *Non intres* is restricted to the *dies depositionis*.

If the body has been buried, *ob causam rationabilem*, before the Mass and Office have been celebrated for the deceased—that is to say, if, owing to the danger of spreading the infectious disease of which the person died, or some other similar grave cause, the body has to be buried before the usual time, and previous to the day appointed for the obsequies, we think that the Mass and Office on the day after burial may be regarded as the celebrated on the *dies depositionis*, and would, consequently, be ruled by the rubrics respecting that day as to the saying of the *De profundis* and the *Non intres*.

In other circumstances the rubric is clear and needs no commentary.

VII.

The Position of the Clergy in Choir at the “Domine non sum dignus” in a solemn Requiem Mass.

Ought the priests in choir, at a solemn Mass for the dead, kneel when the celebrant says the “Domine non sum dignus?”

The priests in choir are standing at this time. The rubric directs the clergy in choir to kneel at the prayers (including the Post-communion) and from the beginning of the Canon till the *Pax Domini* inclusive. After the *Pax Domini* they rise.

¹ Exsequiarum Ordo.

² Cereimonial Romain, cap. xxi.

VIII.

When the Priest is to cross the Stole on his Breast.

When the priest uses the stole out of Mass, when is it to be crossed at the breast, and when not crossed?

The priest crosses the stole when it is worn over the alb; he does not cross it when it is worn over the surplice.

IX.

REV. DEAR SIR,—I would feel much obliged if you would kindly answer the following questions in the December number of the RECORD :—

1. Is it lawful for a priest, on descending the altar after Mass, to kneel on the lowest step and say some prayers, for instance, the "Angelus" or the Litany?

M. O'C.

Yes. There is no rubric forbidding this practice.

2. I am frequently requested to announce from the altar the name of the person for whom I am about to offer Mass, and to ask the prayers of the congregation for the repose of the soul of the deceased. Is it lawful to make such an announcement? In case you answer in the affirmative, please state when should such an announcement be made—whether on the way from the sacristy to the altar, or after arranging the chalice on the corporal, or before I begin Mass.

M. O'C.

It is quite lawful to make such an announcement.

It may be made at any convenient time before you begin Mass; either before you come to the altar fully vested for Mass, or as soon as you have arranged the chalice on the altar.

R. BROWNE.

CORRESPONDENCE.

I.

PARENTAL GUARDIANSHIP AND THE CIVIL LAW.

DEAR SIR,—The annexed reflections on the important question of the guardianship of children, are submitted with much diffidence, rather with a view of eliciting information on a subject of great difficulty and complexity, than with any idea of imparting it. The only authority claimed for them are the writer's notes, during a protracted missionary experience, of several judicial decisions bearing on this question of guardianship, in some of which he has been obliged to take a painful personal interest.

In considering this important question, it is essential to note at the outset, that the relations of parents to their children, are not an *ownership*, conferring absolute control or unlimited power of disposal, or subordinating, as in cases of ownership, the interests of the child to those of the parent; but a *guardianship*, or an intrusting of the interests of the child to the control and authority of the parents for the sole purpose and with the sole end of being safeguarded by them. In accordance with the principle that the means must be subordinate to the end, the civil law, as well as the law of nature, assumes, that whenever the parental control or guardianship comes into collision with, or becomes antagonistic to the well-being or interests of the child, the former must yield to the latter, and either be abrogated or modified, in so far as the interests of the child may demand. Bearing this principle in mind, we shall proceed briefly to note, what are the parental rights or rights of guardianship—first, during the life of the father; secondly, on the death of the father; and thirdly, what are the legal rights of the mother when the father dies without testamentary or other legal provision for the guardianship of his children. As regards the first contingency, it may be set down as an undoubted truism, that the civil law recognises the father as the supreme, and practically the sole repository of parental authority: so much so that, at least after the completion of the period of nurture, or seven years, he alone, in the case of his legitimate children, has the legal right to order, direct, or control their education whether religious or secular. He can exercise this legal right without the consent, and even despite the opposition of the mother; and, *long as it endures*, is limited only in its exercise by the principle already stated, viz., when it becomes incompatible with the well-being or interests of the child. This incompatibility of parental control on the one hand, and the interests of the children on the other, have been judicially decided to exist, whenever, in the matter of religious education, the child is found to have imbibed such fixed religious principles, that an effort to alter or disturb them, in compliance with the wish of the parent, would probably eventuate in upsetting or destroying all religious faith in the mind of the child. In such cases the courts have subordinated

the authority of the parent to the interests of the child, and have accordingly directed the child to be continued in the religious faith whose principles it has already fixedly imbibed. (*Longfield v. Purcell*, Ir. Chan.) There is no legal decision as to what age a child may be deemed competent to imbibe such fixed religious principles. While in one case in England, a child of nine years was decreed to be so competent, in other cases in Ireland children of eleven or twelve were decided to be incompetent, or at least not to have done so fixedly. (*Muder*, minor, Ir. Chan.) This authority of fathers to direct and control the education of their legitimate children is extinguished in two ways: first, by process or lapse of time, which by a decision of the Queen's Bench in *French v. French*, is decided to be, in the case of boys, fourteen years complete, and in the case of girls sixteen years complete. At those ages respectively all *coercive* authority on the part of parents, whether father or mother, ceases absolutely; and the child, whether boy or girl, is free to select its own religion, as well as its own guardian. The same result, or extinguishment of his right to control the religious education of his child, is brought about, in the second place, by *waiver*; or in other words, a father by willingly consenting to his child being brought up for a number of years in a religious faith different from his own, is held to have relinquished or abandoned his right in the matter, and has been decided, even in one case of a child only six years old, to have thereby legally forfeited it. Whether a father can, by deed or settlement, divest himself, *by anticipation*, of a right not yet existing, as he certainly can, by waiver, of one already existent, is an important question which has not been *judicially decided*; although several judicial *dicta* have been pronounced adverse to such a power of divestment, notably in *Ellis v. Ellis*. (Eng. Chan.). So far we have dealt with the authority of a father while living; we shall now consider what control he can exercise over his children after his death. Subject to the limitations already indicated, it is quite certain that a father has the legal power to continue after death the same authority he possessed during life; and to that end, can appoint testamentary guardians of his children, who may or may not include his wife; and can delegate to them, all the authority he possessed when living, to be exercised by them, with or without the consent or control of the mother. Further, a father has not merely the power of doing this by will or deed, but in the matter of religious education his verbal directions when dying, will be given legal effect to by the courts of equity and law, whenever such directions are proved to have been given.

This right of testamentary disposition on the part of the father is confined to his legitimate children. In the case of illegitimate children, though the civil law compels him to maintain those that are proved to be his, at least during infancy or incompetency, it, at the same time, accords him no rights of guardianship whatsoever in their regard. In this case the sole legal guardian

is the mother. So also, it is well to observe, that although his rights of coercive control terminate at the ages of 14 and 16 respectively, for boys and girls, his liability to provide *necessaries* for both continues during the whole period of minority, or until 21st year complete, subject to the limitation just indicated.

In reference to the parental rights of mothers, it may be stated as established :—

1st, That all mothers, not legally disqualified, have the right of nurture, that is the right to the custody, care, and personal control of their children up to and including their seventh year, when the right passes unrestricted into the hands of the father.

2nd, That mothers, *as mothers*, possess the rights of parental guardianship in two other cases or contingencies only. The first, when there is question of illegitimate children, of whom the mother is sole legal guardian ; and that in all cases where a legally valid marriage cannot be proved or established. The second case is when the father dies intestate, or without having at least given directions as to the education of his children. In this contingency, the civil law recognises the surviving mother as the sole natural guardian of the children, and transmits to her all rights, authority, and control previously vested in the father. In no other contingency that I am aware of does the mother, *as such*, possess the rights of guardianship.

I shall conclude this somewhat crude digest, by merely indicating the practical conclusions to which my observations point. First—the imperative necessity, in cases of mixed marriages, where the father is a Catholic, of his making a will appointing Catholic guardians for his children, and containing explicit directions that they shall be educated in the Catholic faith. This will, unless it also contain provisions disposing of property, does not require to be formally proved, but becomes operative immediately on the death of the testator. Second, where, in such marriages, the mother is a Catholic, the only legal expedient at her command, for securing the religion of her children, is, as already indicated, the very doubtful one, of having a provision to that effect inserted in the marriage settlements. Any pledge or promise, however solemnly given, before or after marriage, has been again and again judicially decided, to have no binding effect in law or equity. And this disposition of the civil law in Ireland, raises a most important question, as to how far we can comply with a condition which the Holy See always requires as an indispensable pre-requisite to the granting of dispensations for mixed marriages. Nor is this difficulty diminished by the notorious fact, that such promises or agreement, too often ignored during the life of both, are all but invariably disregarded, whenever, in such marriages, the non-Catholic parent survives the Catholic. And yet this is the very contingency such promises are mainly intended to meet.

Faithfully yours,

P. CANON O'NEILL, Clontarf.

II.

THE "ANGELUS."

TO THE EDITOR OF THE IRISH ECCLESIASTICAL RECORD.

VERY REV. SIR,—In reference to your correspondent's questions in your last issue about the "Angelus," and your replies thereto, I take the liberty of making the following remarks:—

The time and mode of sounding the "Angelus," as practised in Rome, is, I believe, as follows, but whether they have any effect upon the Indulgences I am not prepared to say.

(1). *Times*.—6 o'clock a.m.; 12 o'clock noon, and *half an hour after sunset*.

(2). *Mode*.—Thus: 3 strokes, 4 strokes, 5 strokes, and after a short pause a single stroke to denote the passing away of time.

I am not aware that there is any peculiar manner of ringing the 3 o'clock bell on Friday, but I believe *five single strokes* to be the correct way.—Yours faithfully in Christ, O.

[The mode of sounding the Angelus does not affect the Indulgence. We have already stated in what sense the time is a condition.—R. B.]

III.

TESTIMONIAL LETTERS.

VERY REV. AND DEAR SIR,—All who are interested and concerned have reason to thank the Venerable Bishop of Ardagh for the answers his Lordship has obtained from the Propaganda respecting the testimonials required by a Bishop ordaining a subject of his own according to the prescriptions to that effect in the "Constitutio Apost. Sedis."

It is now certain (1) that a Bishop is precluded from ordaining a subject of his own, who has been out of his diocese a sufficient time to incur a canonical impediment, unless the subject present testimonial letters from the Bishop of the diocese where he has been, and neither the Superior of a Seminary, where he has been studying, nor any one else, but the Bishop, is competent to grant such letters, except by delegation, on the part of the Bishop. This is strictly in accordance with the terms and tenor of the enactment in question.

It is certain (2) that the time to be deemed sufficient for incurring an impediment in another diocese is six months, or upwards.

But side by side with the first point remains a grave question, which asks if the Bishop who is precluded from conferring orders on his own subject in the case supposed, is thereby precluded from granting *dimissorial letters* to him for ordination by another Bishop, and is the other Bishop precluded also from ordaining him for want of the testimonial letters referred to, notwithstanding the dimissorial letters of his own Bishop, if granted to him?

To examine this question, it may be well to recite the enactment of the "Constitutio Apost. Sedis" on the point. It is as follows:

"Suspensionem per annum ab ordinum administratione ipso jure incurrunt ordinantes alienum subditum etiam sub praetextu beneficii statim conferendi, aut jam collati, sed minime sufficientis, absque ejus episcopi litteris dimissorialibus, vel etiam subditum proprium, qui alibi tanto tempore moratus sit, ut canonicum impedimentum contrahere ibi potuerit, absque ordinarii ejus loci litteris testimonialibus."

It is contended that a Bishop's jurisdiction is not put under inhibition by either the terms or tenor of this enactment, so as to be precluded from granting dimissorials to his own subjects to be ordained by another Bishop. The enactment says nothing of dimissorials in the case, and it is, therefore, asked, how can it be adduced to deprive the Bishop of the right of granting them? The sole restriction is as to *himself ordaining his own subject*.

But it is argued, on the other side, that the Bishop not being allowed to ordain his own subject, neither may he empower another Bishop to ordain him according to the trite axiom, "*nemo dat, quod non habet*," and because it would be incongruous for the Bishop to say to another Bishop "I cannot ordain this young man though he be my own subject, but I pray you to ordain him for me."

Against this pleading it is argued that it deals in a confusion of ideas mixing up the power of Orders with that of jurisdiction, and it is maintained, that the Bishop, if he grant dimissorials in the case, exercises only the power of jurisdiction, which is not affected by the "Constitutio Apost. Sedis" at all, and thereby authorizes the other Bishop to exercise his own power of Orders, which he has himself, and which is in no way communicated to him by his brother Bishop. The argument may be illustrated by the example of a Bishop suspended from the exercise of his power of Orders, who, nevertheless, retains jurisdiction to grant dimissorials to his subject to receive Orders at the hands of another Bishop; as it may also be exemplified in the case of a Bishop on his being appointed, though not yet consecrated, and even in the case of a Vicar Capitular after a year's vacancy of the See. In both cases jurisdiction is separated from Orders, the former being allowed its free exercise, whilst the latter is kept under restraint, or does not at all exist, as in the case of the Vicar Capitular.

But it is urged that there is the same reason for requiring testimonial letters in order to grant dimissorials for another Bishop to ordain the subject, as for the Bishop himself of the subject to ordain him.

It is replied that, in the interpretation of Canon Law, you are not allowed to reason *a pari* nor even *a fortiori*, and that you must not argue from case to case in applying an enactment; that the enactment must be confined within its own express terms, and this is to be insisted upon, especially when there is question of restricting official powers of all sorts, on the principle of "*Odia*

restringenda," as well as other reasons applicable to the matter in hand.

But how does the matter stand as regards the Bishop to whom the candidate for Orders may present dimissorials from his own Bishop in the case supposed: does he incur the penalty pronounced in the enactment above quoted if he ordain such candidate?

It is said "Yes," on the ground that the end and purpose of the law equally affects him. But on the other side, it is said "No," for the reason just stated. The enactment says nothing whatever of him, and besides it is only proper deference sanctioned by the Canon Law towards the Bishop granting dimissorials, for the ordaining Bishop not to go behind these dimissorials, except in a self-evident case.

We see therefore that the difficulties presented by the enactment in question are far from being cleared up, and as long as such doubts remain ought we not conclude that a Bishop, in the case supposed, is free to grant dimissorials to his own subject to be ordained by another Bishop, and that the latter is also free to ordain him notwithstanding the suspension declared by the enactment in question.—Allow me to remain, Very Rev. and dear Sir, very truly yours,

A CORRESPONDENT.

[The point raised by our Correspondent is the one on which, as stated in the last number of the RECORD, we hope soon to be able to publish an authoritative decision—ED. I. E. R.]

DOCUMENTS.

DILECTO FILIO NOSTRO S. R. E. PRESBYTERO CARDINALI
MACCABE, ARCHIEPISCOPO DUBLINENSI ET VENERABILI
BUS FRATRIBUS HIBERNIAE EPISCOPIS.

LEO PP. XIII. DILECTE FILII NOSTER, VENERABILES FRATRES,
SALUTEM ET APOSTOLICAM BENEDICTIONEM.

Benevolentiae caritas, qua Hibernos complectimur, et cuius augere vim haec ipsa temporum difficultas videtur, Nos adducit, ut rerum vestrarum cursum singulari cura paternoque animo sequamur.—Ex qua tamen cogitatione plus sollicitudinis, quam solatii capimus, quod nondum apud vos rem publicam videre liceat eo, quo vellemus, statu pacatam atque florentem. Nam ex una parte, gravia premunt adhuc incommoda: ex altera, anceps animorum motus ad turbulenta consilia complures temere rapit: nec defuere, qui atroci se hominum caede polluerent, quasi fieri possit ut spes felicitatis publicae in dedecore flagitioque reperiatur.

Harum rerum caussa, Vos, Dilecte Fili Noster, Venerabiles Fratres, non minore quam Nos sollicitudine affectos et antea cognoveramus, et nuper etiam perspeximus ex iis, quae a Vobis in postremo conventu Dublinensi decreta sunt. Communis enim salutis trepidi probe docuistis, quid quemque in tam acri momento, in medioque certamine vitare oporteat.—In quo sane et convenienter muneri episcopali et rei publicae fecistis. Homines enim tunc maxime antistitum suorum indigent consilio, cum, vehementiore aliqua cupiditate acti, emolumenta rerum fallacibus iudiciis vident; ac si quando ad relinquendam honestatem velut impetu quodam feruntur, Episcoporum est, incitatos multitudinis animos temperare, et ad iustitiam necessariamque in omnibus rebus moderationem tempestivis hortationibus revocare. Illud vero optima opportunitate commemoratum a Vobis est divinum praeceptum, quaeri *primum* oportere *regnum Dei et iustitiam eius*: quo iubentur christiani in omni vitae actione atque adeo in civicis etiam rebus salutem suam sempiternam respicere, et prae religione officii mortalia omnia minoris ducere. Haec quidem praescripta servantes, fas est Hibernos fortunae suae afflictæ levationem quaerere: fas est et pro iure suo contendere; neque enim existimandum, quod singulis gentibus licet, Hiberniae non licere.—Verumtamen honestate dirigenda utilitas est, ac serio considerandum, causam quantumvis iustam turpe esse tueri non iuste. Abest vero iustitia cum ab omni vi, tum maxime a societatibus clandestinis, quae per speciem vindicandi iuris illuc ferme evadunt, ut rerum publicarum permoveant statum. Illae quidem quanta animi provisione honesto cuique viro fugiendae sint, sicut non semel Necessores Nostri, Nosque ipsi, ita Vos in conventu Dublinensi opportune monuistis. Nihilominus, his manentibus periculis, erit vigilantiae vestrae idem saepe praecipere, Hibernos universos per sanctitatem catholici nominis, perque ipsam patriae caritatem hortando, nihil ut sibi commune esse velint cum huius generis societatibus: quae et ad ea, quae populus iure petit, nihil prodesse possunt, et nimis saepe ad delinquendum impellunt quos illecebris suis incenderunt. Cum Hiberni homines gestiant, neque id immerito *catholicos* appellari, quod est, uti Augustinus interpretatur, *integritatis custodes et recta sectantes*¹, impleant mensuram nominis, et in ipsa rerum suarum defensione studeant esse quod dicuntur. Meminerint *primam esse libertatem carere criminibus*², seque in omni vita sic gerant, ut statutas legibus poenas nemo ipsorum luat *ut homicida, aut fur, aut maledicus, aut alienorum appetitor*,³

Par est autem, vestras in populo regendo episcopales curas Cleri totius adjuvari virtute, labore, industria.—Quam ad rem quae de sacerdotibus praesertim iunioribus constituenda censuistis recta et convenientia temporibus iudicamus. Et enim sacerdotes, si unquam alias, certe in istis procellis popularibus solertes et operosos conservandi ordinis adiutores esse necesse est. Et quia

¹ Lib. *De vera Religione*, n. 9.

² S. Augustinus tract. *XLI in Ioan.* n. 10.

³ 1 Petr. IV, 15.

ut optima quisque opinione floret, ita in aliorum animos maxime potest, eniti debent ut approbationem hominum moveant gravitate, constantia, moderatione factorum atque dictorum; nec vero agere quidquam, quod a prudentia aut a studio placandorum animorum alienum videatur. Facile autem intelligitur, talem fore Clerum, qualem temporum ratio postulat, si sapienti disciplina optimisque praeceptis fuerit mature institutus. Nam ut Patres Tridentini monuerunt, *adolescentium aetas, nisi a teneris annis ad pietatem et religionem informetur numquam perfecte ac sine maximo ac singulari propemodum Dei omnipotentis auxilio in disciplina ecclesiastica perseveret.*¹

Hac via et ratione futurum arbitramur, ut Hibernia prosperam rerum conditionem, quam expetit, nemine violando, consequatur. Etenim, sicut alias Vobis significavimus, Hibernis aequa postulanti-
bus, satis facturos, qui rerum publicarum administrationi praesunt, confidimus. Quid non solum veritas suadet, sed spectata etiam ipsorum prudentia civilis, cum dubitari non possit Hiberniae incolumitatem cum tranquillitate totius imperii esse coniunctam.—Nos interim hac spe adducti minime intermitteremus Hibernam gentem consiliorum Nostrorum auctoritate iuvare, et incensas studio et caritate preces ad Deum fundere, ut populum tot iam virtutum et nobilitatum laude propitius respiciat, compositisque fluctibus, optata tandem pace et prosperitate muneretur. Horum autem caelestium munerum auspicem et praecipuae benevolentiae Nostrae testem Vobis, Dilecte Fili Noster, Venerabiles Fratres, Clero ac populo universo Apostolicam Benedictionem peramanter in Domino imper-
timus.

Datum Romae apud S. Petrum die 1 Augusti An. MDCCCLXXXII.
Pontificatus Nostri anno quinto.

LEO PP. XIII.

NOTICES OF BOOKS.

The D'Altons of Crag. A Story of '48 and '49. By R. B. O'BRIEN, D.D., Dean of Limerick, &c. Dublin: J. DUFFY & SONS. 1882.

The Dean of Limerick has special qualifications and advantages as a writer of historical novels, which he has not failed to turn to good account in his most recent production now before us. While most writers, who take such tasks in hand, have to read up authorities, search amid records, and master as best they can the characteristics of the period of which they intend to treat, that they may throw their minds, and if so be their feelings, into it, the Dean has the advantage of having lived in the midst of the scenes he describes so well, and has in the course of a long, active, and eventful life seen history grow up around him; and that not only

¹ Sess. XXIII. *De Reform.* cap. 18.

in its present phase, which is cotemporary for all of us, but in those which, if not long passed in time, have by the rapid onward march of events become almost ancient history to the men of the present day. Persons and scenes which for a brief period were all in all, have been, the one put aside and the other dimmed by those which hurried to take their place; and the eyes and memories of men have grown wearied and dazed by the quick succession, and have well-nigh forgotten the exciting recent past, in the noise and passion of the still more insisting present.

Of course History will come in time to arrange all in due order, and to assign to each hero and event the fitting place in its record, but this will be too late for the present generation which, if it must of necessity lose the guidance of such matured judgments, has at any rate the consolation of knowing that the rapid sketches contemporaries can give have more life and attraction, and somehow perhaps are more truly history than the cold and ponderous volumes which claim exclusively its name.

Living amidst such rapidly passing events, our author has had the additional advantage of taking no small or insignificant part in them; advantages these which he has qualifications for turning to the best account for the benefit and amusement of his readers. Mixing, as an accomplished priest alone can do, on most intimate terms with every class of society, with quick eye to observe and well-trained mind to grasp each varying phase, and the significance of seemingly trivial events, the venerable author can photograph pictures which imagination could hardly supply, or any amount of reading realise. Hence the especial value of the work before us.

The D'Altons of Crag, a Story of '48 and '49, the author tells us, "can hardly be called a work of the imagination, because every one of the main facts has had a real existence," and that the end of such work is the one so successfully aimed at, we have also the Dean's assurance that "of every single scene the author was a witness, and in every one of them an actor." So may he well claim as one at least of his objects in writing the Story, "to leave an authenticated record of times, when all classes were dreadfully tried, and when honest enthusiasm, that could not bear to see the sum of human suffering, ventured everything to better or remove it."

In this kind spirit is the "Story" told. There is that deep sympathy for suffering which only personal intercourse can develop, that genial humour so racy of the soil, and which somehow finds fitting place even amid the darkest scenes, lubricating, so to speak, the aching limbs, and gently removing the friction which it is too hard to bear; and with all and above all, that love of justice and abhorrence of all that is false and vile, which marks the well-trained mind and unpolluted heart of a true priest of Holy Church.

There is no need to detail the plot or to dwell upon the several characters. The reader must turn to the "Story" for himself; for no description could do justice to what is so much more than an exciting

tale, and which owes its charm quite as much to the reality of the persons introduced as to the strange scenes in which they take a part: and to this end the author uses to the full his privilege of glancing backward behind the famine time, and so of bringing us into the presence of some great men of an antecedent period.

This is the third tale which the Dean has given us, and if we might venture on a suggestion it would be that he would add another to his Trilogy, and give us his personal recollections of a still more recent period, which perhaps might, in more respects than one, follow the example of Classic Antiquity. B.

Uncle Pat's Cabin ; or, Life among the Labourers of Ireland. By W. C. UPTON.

The labourers of Ireland owe a debt of gratitude to the author of this book. What he has done for them is to let in the light of day more fully on their grievances, claims and feelings. It were idle to expect that, in the present order of Divine Providence, things could be so arranged as that every one would in this life be requited precisely according to the measure of his industry; but the system of wholesale oppression to which Irish labour has been subjected for the sake of pampering a class of non-resident spendthrifts is too gross an outrage on the acknowledged rights of human nature, to withstand much longer the force of public and general remonstrance. The case of the labourers is fully stated by Mr. Upton. His book displays extensive reading, much experience, and close observation. A tendency to repetition seems to be the most objectionable feature. P. O'D.

The Groundwork of the Christian Virtues : A Course of Lectures by Bishop Ullathorne. London : BURNS & OATES. 1882.

Like everything from Dr. Ullathorne's pen, the "Groundwork of the Christian Virtues" is replete with solid piety and learning. As might be expected from its name, this work deals with a great variety of matter in the sixteen Lectures of which it is composed; and yet unity of purpose is perfectly preserved throughout the entire volume. The Lectures are so many chapters in the fundamental treatise of saintly science,—Humility. Dr. Ullathorne's book is in point of fact a philosophy of Humility, explaining its conditions, nature, and practice. Lecture VIII., on the "Divine Master of Humility," and Lecture XII. on the "World without Humility," are particularly readable, and their perusal would serve a certain class of modern unbelievers, who, though devoid of any adequate idea of this purely Christian virtue, make show of believing in the humility of Christ, and of being able to trace thereto the success of His Mission. P. O'D.

[Books received for notice will be acknowledged in our next number.—ED. I. E. R.]



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